LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY

EFFECTIVE SEPTEMBER 1, 2003

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LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY
Originally Effective September 1, 1974
Including Amendments Adopted Through September 1, 2003

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ZERO LOCAL RULES

FOREWORD

The Zero Local Rules have been adopted for the internal management and operation of the King County Superior Court.

[Effective September 1, 1986.]

LR 0.1 DEPARTMENT NUMBER AND SENIORITY

(a) Departments. The Superior Court for King County shall be divided into as many individual numbered departments as there are Judges authorized by law. Department numbers shall remain as presently assigned. When a Judge resigns, retires or dies, the department number shall be assigned to his or her successor. Each Judge in order of seniority may select an unassigned courtroom.

(b) Seniority. For matters decided by seniority, such as courtroom assignments, seniority will be determined by length of service on the King County Superior Court. If a Judge has a break in service, the prior period of service on this bench will count for seniority purposes.

If more than one Judge is sworn in on the same day, seniority will be decided by a means agreed upon by the new Judges, or, if they cannot agree, by lot.

(c) Assignments. The assignment of department numbers and courtrooms whenever necessary, shall be incorporated into an order signed by the Presiding Judge and filed with the Clerk.

(d) Report to County Election Department. Before the time for filing a declaration of candidacy for Superior Court Judge at any election, the Presiding Judge will report to the County Election Department the departmental numbers of the positions to be filled. The position numbers on the ballot shall be the assigned departmental numbers.

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996.]

LR 0.2 COURT MANAGEMENT

(a) Authority. The authority to manage and conduct the Court is vested in the Superior Court Judges and shall be exercised through regular monthly or special meetings of the Judges. Said authority is delegated to the following as more specifically defined below:

(1) A Presiding Judge
(2) An Assistant Presiding Judge
(3) An Executive Committee
(4) A Court Administrator

(b) Duties and Responsibilities.

(1) The Judges of Superior Court shall
  (A) Elect an Executive Committee.

(B) Elect a Presiding Judge.

(C) Elect an Assistant Presiding Judge.

(D) Attend Judges' meetings and committee meetings and participate in the management of the Court.

(2) Judges have the final authority over any matters pertaining to Court organization and operation and over any individual or committee of the Court. This includes the removal for cause of the Presiding Judge and Assistant Presiding Judge, and removal of Commissioners.

(3) The Judges shall meet regularly once a month.

(4) A quorum shall consist of one-third of the Judges.

(5) Meetings shall be conducted under Robert's Rules of Order where not inconsistent with these rules.

[Effective September 1, 1986; amended effective September 1, 1994; November 19, 1998.]

LR 0.3 PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

(a) Duties of Presiding Judge.

(1) Management. Direct the business of the Court and manage its operation.

(2) Court Policy. Propose court policy for presentation to the Judges or Executive Committee.

(3) Spokesperson. Speak for the Court. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee as necessary, or as possible, under the circumstances.

(4) Presiding Department. Manage the Presiding Department.

(5) Assignments. Assign cases and other duties to the other Judges and to the Commissioners.

(6) Assign Judges to the King County Superior Court Regional Facilities. In making such assignments, the Presiding Judge shall consider all relevant factors including volunteers, diversity, preference, and what is in the best interest and needs for the judicial resources at the facility, and the Court as a whole. The Presiding Judge shall assign every Judge to a tour of duty at a facility before reassignment of a Judge who has previously served, excepting volunteers for reassignment to a facility.

(7) Special Calendars. Establish, with the approval of the Executive Committee, special calendars or departments and assign Judges and Commissioners thereto, including the selection of a Chief Judge for any such department.

(8) Preside. Preside at all Judges' meetings.

(9) Chair. Chair the Executive Committee.

(10) Special Meetings. Call such special meetings of the Judges and Executive Committee as may be required.

(11) Appoint members and chairs of committees as provided in Rule 0.8.

(12) Perform such other duties as are provided in these rules or are assigned by a majority of the Judges.

(b) Method of Selection of Presiding Judge. The Presiding Judge shall be elected to

serve for a two-year term, beginning February 1 of the period for which the Presiding Judge is elected. Prior to November 1 of the year a Presiding Judge is to be elected, a questionnaire that explains the election process shall be circulated to every Judge to determine whether he/she is willing to serve as Presiding Judge and/or Assistant Presiding Judge, and/or as a member of the Executive Committee during the forthcoming years. A list of all Judges who have responded affirmatively to the questionnaire shall be available from the Court Administrator throughout the election process. One week prior to the deadline for returning the questionnaires, the Administrator shall provide each Judge with a list of all persons that have answered affirmatively regarding the race in question. A Judge at any time until the deadline for returning questionnaires shall upon his or her request to the Administrator have his or her questionnaire returned so that his or her response about willingness to serve may be changed. Only the names of the Judges whose questionnaires have been answered in the affirmative at the time of the deadline for return of the questionnaires shall be listed on the ballot. Ballots will be immediately circulated to all Judges. Each Judge may vote for one Judge and return the ballot within the time allotted. Ballots shall be counted by the three most junior Judges present on the first judicial day following the return date specified in the ballot. If a majority of all of the Judges vote for one candidate, he/she shall be the Presiding Judge. There shall be a run-off election between the top two candidates if there is no majority vote for any one candidate until a Presiding Judge is elected by a majority vote.

(c) Duties of the Assistant Presiding Judge.

(1) Acting Presiding. Serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge.

(2) Other Duties. Perform such further duties as these rules, the Presiding Judge, Executive Committee or majority of the Judges shall direct.

(d) Method of Selection of the Assistant Presiding Judge. Prior to November 1 or immediately after the election and acceptance of a Judge as Presiding Judge, the Assistant Presiding Judge shall be elected to serve for a one-year term beginning February 1. The Assistant Presiding Judge shall be elected by a majority vote of the Judges following the same procedure used in electing the Presiding Judge.

(e) Absence of Presiding and Assistant Judges. In the event the Presiding Judge and Assistant Presiding Judge are absent, the senior available Judge on the Executive Committee shall serve as the Acting Presiding Judge. The Acting Presiding Judge for Saturday Duty shall be assigned by the Presiding Judge on a rotating basis among all Judges.

[Effective September 1, 1986; amended effective September 1, 1993; September 1, 1996.]

LR 0.4 EXECUTIVE COMMITTEE

(a) Policy Decisions. The Executive Committee shall decide matters of policy affecting the Court and make such decisions in writing by unanimous vote of the committee. Such actions shall be final unless modified or rejected by a majority of the Judges in attendance at the next regular Judges' meeting.

(b) Policy Recommendations. The Executive Committee may make recommendations on policy matters to the Judges at any meeting of the Judges.

(c) Committees. The Executive Committee shall recommend the designation and duties of the committees of the Court and shall receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chairman of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(d) Advisory Capacity. The Executive Committee shall act in an advisory capacity to the Presiding Judge.

(e) Procedure. The Executive Committee shall distribute promptly to the Judges written minutes of action taken by the Executive Committee. On request of any Judge, any action taken by the Executive Committee shall be subject to review for final approval or rejection at a meeting of the Judges. Any matter which should be decided by the Judges or any matter on which the Executive Committee is not unanimous shall be presented to the next Judges' meeting before action is taken.

(f) Meetings. The Executive Committee shall meet at least once a month. Any Judge or Commissioner may attend any Executive Committee meeting and participate but not vote. Written agenda and timely notice of the regular Executive Committee meetings shall be provided in advance to all Judges and Commissioners.

(g) Election of Executive Committee. The Executive Committee shall consist of the Presiding Judge, the Assistant Presiding Judge, and the immediate past Presiding Judge for the year following the Judge's service as Presiding Judge, the Chief Criminal Department Judge, the Chief Civil Judge, the chief Juvenile Department Judge, the Chief Judge of each Regional Justice Center and five (or, if there is no immediate past Presiding Judge, six) members elected under the same procedure as set forth in LR 0.3(b). Ballots for the elected positions on the Executive Committee shall be distributed to all Judges immediately after the Assistant Presiding Judge is elected. Ballots shall be returned by a date specified on the ballot and shall be counted on the following judicial day by the three most junior Judges. The Judges receiving the most votes for the number of positions to be filled shall be elected to the Executive Committee to serve for one year beginning February 1. If there is a tie for the last position, a new ballot containing the names of all Judges so tied shall be submitted to the Judges and counted as herein provided with the Judge receiving the most votes becoming a member of the Executive Committee.

(h) Appointing Authority. The Executive Committee together with the Presiding Judge shall conduct the annual performance review of the Court Administrator and the Director of Judicial Administration.

(i) Budget. The Executive Committee, working with the Presiding Judge and Court Administrator, will develop a protocol for expenditures on behalf of the court. After the approval by the Council and Executive of a budget for Superior Court, the Executive Committee and Budget Committee shall approve an expenditure budget and shall work with the presiding Judge and Court Administrator throughout the budget period to regularly review actual expenditures under the expenditure budget.

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996.]

LR 0.5 VACANCY

If any Judge who has been elected to any office is unable to serve or continue in office or declines to serve, the election process for that particular office will be held as provided in these rules.

[Effective September 1, 1986.]

LR 0.6 COMMISSIONERS

(a) Appointment. Court Commissioners shall be appointed by the Judges and serve at the pleasure of the Judges.

(b) Selection. Upon a vacancy in a Commissioner position that the Judges do not elect to fill by transferring another Commissioner or by making an appointment from the Eligibility List, the Court Administrator shall advertise the vacancy in state and local bar publications and accept applications from attorneys. The Personnel Committee, in consultation with the relevant standing committee, shall conduct such investigations and interviews as it deems appropriate. Any Judge or Commissioner may attend and participate and any Judge may attend, participate and vote as a member of the Personnel Committee in this selection process. The Personnel Committee may submit a list of names of applicants to the Presiding Judge for reference to bar association screening committees for recommendations to be made within 45 days. The Personnel Committee shall make a report and recommendation(s) to the Executive Committee which shall make a recommendation to the Judges. The selection of a Commissioner shall be a majority vote of the Judges meeting in executive session. Upon receiving a recommendation from the Personnel Committee and the Executive Committee, the Judges by a majority vote may transfer a Commissioner to a vacant Court Commissioner's position without considering other candidates.

(c) Eligibility List. After the selection of a Commissioner pursuant to the procedure established above, there shall be an "eligibility list" prepared and maintained for one year by the Court Administrator. The list shall contain the names and all related information of applicants considered in accordance with the procedure described in Rule LR 0.6(a)(1). If the Court needs to appoint another Commissioner during the one-year period that list is maintained, the Judges, upon receiving a recommendation from the Personnel Committee and Executive Committee, may appoint someone from that list.

(d) Performance Review. Performance reviews may be conducted by the Personnel Committee as directed by the Executive Committee The conclusions of the review shall be provided to the members of the Executive Committee and to the Commissioner.

(e) Retirement. Commissioners shall retire at the same age at which state law requires Judges to retire.

(f) Pro Tem Commissioners. The Personnel Committee shall select, train, supervise and monitor the use of pro tem Commissioners.

[Effective September 1, 1986; amended effective July 20, 1990; November 19, 1998.]

LR 0.7 COURT ADMINISTRATOR

(a) Appointment. The Court Administrator shall be appointed by a majority of all of the Judges and serve at the pleasure of the Judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Court Administrator include, but are not limited to, the following:

(1) Administrative Control. Administrative control of all nonjudicial activities of the Court, including case setting and the utilization of jurors.

(2) Supervise Employees. Employ, assign, supervise and direct the work of the employees of the Court except the Commissioners, Special Masters, Referees, and each Judge's bailiff.

(3) Budget. Prepare and administer the budget of the Court.

(4) Representation. Represent the Court in dealings with the state Court Administrator.

(5) Assist Presiding. Assist the Presiding Judge in representing the Court on all management matters in dealing with governmental bodies, and other public and private groups having a reasonable interest in the administration of the Court.

(6) Meetings. Prepare the agenda, arrange, attend and act as recording secretary for Judges' meetings, and for those committee meetings where the Administrator's presence would be reasonable and productive.

(7) Annual Report. Prepare an annual report to the Court for the preceding year.

(b) Vacancy. Upon a vacancy in the office of Court Administrator, the Executive and Personnel Committees will take the steps necessary to obtain qualified applicants for consideration for the position. The Executive and Personnel Committees will interview and screen candidates for the position, and shall present no more than three final candidates to the Judges for their review and consideration. The candidate receiving a majority vote of all of the Judges shall be named to the vacancy.

[Effective September 1, 1986; amended effective November 21, 1996.]

LR 0.8 STANDING AND SPECIAL COMMITTEES

(a) Standing Committees. There shall be the following standing committees of Judges and Commissioners:

Construction and Facilities Assist in planning for court facilities; make recommendations about maintenance and upgrading of facilities; monitor construction of facilities.

Courts and Community Work on behalf of the Court with the community including schools.

Education Develop education and mentor programs for Judges including orientation program for new Judges and Commissioners.

Ex Parte/Probate Work with Ex Parte Commissioners to oversee the ex parte calendars and the handling of probate matters.

Family law Oversee and make recommendations concerning the handling of family law matters.

Jury/ADR Oversee and make recommendations concerning jury procedures, the mandatory arbitration program, and other Court annexed alternate dispute resolution programs.

Long Range Planning Make recommendations to the Judges concerning strategic and long range planning.

Technology Committee Plan for use of technology in the Court including computer and video, and make recommendations about hardware, software and staffing.

Volunteer Programs Review Committee Oversee and make recommendations concerning court volunteer programs.

(b) Administrative Committees Appointed by Presiding Judge. The Presiding Judge shall appoint the following committees:

Budget Committee Draft and recommend to the Court a budget to be submitted to the County Executive and Council.

Audit Committee Develop procedures for and approve expenditures of county funds for translators, experts in criminal cases, and similar matters.

Personnel and Human Relations Committee Develop personnel policies and evaluations for senior court staff and for Commissioners. Policies and guidelines proposed by the Personnel Committee for evaluations, hirings and terminations shall be submitted to the Judges for their approval.

(c) Special Committees. The Presiding Judge may appoint such special committees as he/she may deem advisable and for a term to be set by the Presiding Judge. Special committees have a duty to study and make recommendations to the Presiding Judge in connection with any subject matters assigned to them.

(d) Departmental, Regional Justice Center, Special Calendar Committees. The Criminal, Civil, Mental Illness, Sealed Adoption and Juvenile Departments, the Regional Justice Center, and Special Assignments shall each have a committee that shall include all of the Judges assigned by the Presiding Judge to that Department, Regional Justice Center, Special Assignment and such other Judges as may wish to participate on that committee.

(e) Appointment of Committee Chairs and Members. The Presiding Judge in December of each year shall solicit from each Judge and Commissioner committee preferences and thereafter appoint the chair and members of each committee, effective February 1. Within 30 days of the Presiding Judge's appointment, any Judge or Commissioner may join any standing or departmental/special calendar committee.

(f) Duties. Standing, administrative, and departmental/special calendar committees shall have the responsibilities outlined above and shall carry out specific assignments from the Presiding Judge or the Executive Committee. By March 1 each committee chair shall submit to the Executive Committee the goals that the committee will seek to accomplish that year. At the end of each year each committee shall report to the Executive Committee concerning the work of the committee during the year, and shall make recommendations concerning additional matters the committee should address in the future. Committees shall keep minutes of meetings, and the chair shall include an agenda with the written notice of meetings.

[Effective September 1, 1986; amended effective September 3, 1990; September 1, 1993;

September 1, 1994; November 21, 1996.]

LR 0.9 SPECIAL DEPARTMENTS

(a) Special Departments. Special departments of the Court shall be established and assigned such business as is provided by law, by rules adopted by the Supreme Court or Washington State Superior Court Judges' Association (RCW 2.08.230), by these rules, or by the Presiding Judge. The following special departments are established:

(1) Presiding Judge's Department
(2) Family Law Department
(3) Juvenile Court Department
(4) Ex Parte and Probate Department
(5) Criminal Department
(6) Civil Department

(b) Guidelines. Procedural guidelines for each special department, or changes thereof, shall be established in writing and become effective upon approval by the Presiding Judge.

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996.]

LR 0.10 FAMILY LAW DEPARTMENT

(a) Membership. Every Judge is designated as a Judge of the Family Law Department. The Presiding Judge may assign Judges or Commissioners as needed to hear matters in said department.

(b) Duties. The Family Law Department shall hear matters relating to marital proceedings, parenting plans, custody of children, visitation and other parental rights, distribution of property and liabilities, non-marital relationships involving parenting and/or distribution of assets/liabilities, maintenance, child support and modifications, and any other matters assigned to said department by the Presiding Judge.

[Effective September 1, 1986; amended effective September 1, 1994.]

LR 0.11 JUVENILE COURT DEPARTMENT

(a) Membership. Every Judge is designated as a Judge of the Juvenile Court Department. The Presiding Judge may assign Judges or Court Commissioners as needed to hear matters in the Juvenile Court Department.

(b) Duties. The Juvenile Court Department shall hear all matters arising under the Juvenile Court laws unless otherwise ordered.

[Effective September 1, 1986.]

LR 0.12 (RESERVED)

[Deleted effective September 1, 1994.]

LR 0.13 EX PARTE AND PROBATE DEPARTMENT

(a) Membership. The Presiding Judge may assign Judges or Commissioners as needed to hear matters in the Ex Parte and Probate Department.

(b) Duties. The Ex Parte and Probate Department shall hear applications for ex parte orders and show cause orders except as may be otherwise specified by rule or as designated by the Presiding Judge. A Judge or Commissioner in the Ex Parte and Probate Department may refer any matter to the Presiding Judge for hearing or assignment. The Ex Parte and Probate Department shall hear such other matters as are assigned to the department by the Presiding Judge, including, probate and guardianship matters, adoptions and noncontested family law proceedings, unlawful detainer actions, change of name proceedings, applications for appointment of a receiver, and applications to examine sealed files.

[Effective September 1, 1986; amended effective November 21, 1996.]

LR 0.14 CRIMINAL DEPARTMENT

(a) Membership. Every Judge is designated as a Judge of the Criminal Department. The Presiding Judge may assign Judges as needed to hear matters in the Criminal Department.

(b) Duties. The Criminal Department shall hear all matters arising under criminal laws unless otherwise ordered.

(c) Chief Criminal Department Judge. A chief Criminal Department Judge shall be appointed by the Presiding Judge.

(Effective September 1, 1994.)

LR 0.15 BAILIFFS

Each Judge shall be limited to one bailiff and shall appoint and supervise his or her own bailiff. In the absence of the Judge, and unless assigned to other duties by the Judge, the bailiff shall be supervised by the Court Administrator. The Court Administrator shall appoint and supervise as many additional general bailiffs as are needed.

[Effective September 1, 1986; amended effective September 1, 1994.]

LR 0.16 SUPERIOR COURT JUDGES ASSOCIATION

(a) Membership. Each Judge is a member of the Superior Court Judges Association established by RCW 2.16.010.

(b) Board of Trustees. The governing body of the Superior Court Judges Association is the Board of Trustees, elected by the entire membership of the Association.

Association District No. 1 comprises King County and is entitled to two members of the Board of Trustees, who serve staggered terms of three years, commencing at the close of the Annual Fall Meeting of the Association at which the member is elected.

(c) Method of Selection. In the year preceding the election of a District No. 1 Board member, the questionnaire referred to in Rule 0.3(b) shall include the position of nominee for District No. 1 Board member. Voting and election of such nominee shall proceed as set forth in Rule 0.3(b).

(d) Notification to Association. Upon conclusion of the balloting procedure set forth in (c) above, and on or before April 1 following, the Presiding Judge shall notify the President-Judge of the Association of the name of the Judge so chosen, and request that such name be transmitted to the nominating committee of the association with the recommendation that such name be submitted to the membership at the next Annual Fall Meeting of the association as the nominee for the Association District No. 1 position on the Board of Trustees. In case of a vacancy, and on the request of the Board of Trustees, the same election procedure shall be followed.

(e) Reports by Association District No. 1 Board Members. At each regular meeting of the Judges, the agenda shall specify, as the next order of business following the report of the Presiding Judge, a report from Association District No. 1 Board member to include the issues discussed at the previous Board meeting and any other items pending or impending before the Association that may be of general interest to the Judges.

[Effective September 1, 1986; amended effective September 1, 1994.]

LR 0.17 DIRECTOR OF JUDICIAL ADMINISTRATION

(a) Appointment. The Director of Judicial Administration shall be appointed by a majority of all of the Judges and serve at the pleasure of the Judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Director of Judicial Administration include, but are not limited to, the following:

(1) Administrative Control. Administrative control of all non-judicial activities of the Department of Judicial Administration, including the maintaining of the official court files, records and indexes necessary for the efficient administration of justice and the court system and shall supervise the performance of such other duties assigned to the department by the Presiding Judge or a majority of the Judges.

(2) Supervise Employees. Employ, assign, supervise and direct the work of the employees of the Department of Judicial Administration.

(3) Assist Presiding Judge. Assist the Presiding Judge in representing the Court in dealing with governmental bodies, and other public and private groups having a reasonable interest in the record keeping of the court.

(4) Meetings. Prepare a report for and attend Judges' meetings, and for those committee meetings where the presence of the Director of Judicial Administration would be reasonable and productive.

(5) Annual Report. Prepare an annual report to the Court for the preceding year concerning the activities of the department.

(b) Vacancy. Upon a vacancy in the office of Director of Judicial Administration, the Executive and Personnel Committees will take the steps necessary to obtain qualified applicants for consideration for the position. The Executive and Personnel Committees will interview and screen candidates for the position, and shall present no more than three final candidates to the Judges for their review and consideration. The candidate receiving a majority vote of all of the Judges shall be named to the vacancy.

[Adopted effective November 21, 1996.]

LR 0.18 PILOT PROJECTS

Pilot projects in King County Superior Court shall operate through published procedures approved by the Presiding Judge and the Executive Committee.

[Adopted effective September 1, 2000.]

Official Comment:

This rule is currently necessary to comply with RCW 26.12.082, Family Court Pilot Program. The rule will also provide guidance for future pilot projects, so that pilot projects may fully evolve prior to entry of local rules regarding the project.

LR 0.19 INVESTIGATIONS BY THE JUDICIAL CONDUCT COMMISSION: ACCESS TO SEALED FILES AND DOCUMENTS

The clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

No materials in a sealed file can be made public in any non-confidential proceeding, unless the Commission has first obtained an order pursuant to GR 15 and LR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

[Adopted effective April 1, 2003.]

LOCAL RULES CONFORMING TO CR RULES AS REQUIRED BY CR 83

I. INTRODUCTORY (Rules 1-2A)

LR 1. INTRODUCTION

These rules, in addition to the rules promulgated by the Supreme Court of Washington, govern the procedure in the King County Superior Court. They shall be construed to secure the just, speedy, and inexpensive determination of every action. Where hearing times and places are not specifically denoted in a local rule, litigants may obtain such information from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, King County Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300, or by accessing http://www.metrokc.gov/kcsc/.

[Adopted effective September 1, 2001]

II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS
(Rules 3-6)

LR 3. COMMENCEMENT OF ACTION

(No Local Rule)
[deleted effective September 1, 1993]

LR 4. CIVIL CASE SCHEDULE

(a) Case Schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule") and will provide two copies to the party filing the initial pleading.

(b) Cases not governed by a Case Schedule. Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

(1) Change of name;
(2) Domestic violence (RCW chapter 26.50);
(3) Harassment (RCW chapter 10.14);
(4) Uniform Reciprocal Enforcement of Support Act (URESA) and Uniform Interstate Family Support Act (UIFSA);
(5) Small Claims Appeals;
(6) Unlawful detainer;
(7) Foreign judgment;
(8) Abstract or transcript of judgment;

(9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
(10) Civil commitment;
(11) Proceedings under RCW chapter 10.77;
(12) Proceedings under RCW chapter 70.96A;
(13) Proceedings for isolation and quarantine;
(14) Asbestos cases;
(15) Vulnerable adult protection.

(c) Service of Case Schedule on Other Parties.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, with proof of mailing to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(d) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Judicial Assistant will prepare and file the Amended Case Schedule and promptly mail it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge.

(e) Form of Case Schedule.

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing: 0
Confirmation of Service (LR 4.1): ..... F+4
Confirmation of Joinder (LR 4.2(a) for civil cases); or
Confirmation of Issues (LR 4.2(b) for dissolution and modification cases); or
Confirmation of Completion of Genetic Testing (LR 4.2(c) for paternity cases):
..... F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LRMAR 2.1) ..... F+23
Status Conference, if needed (Domestic Relations cases only-see LR 4.3): ..... F+25

Disclosure of Possible Primary Witnesses (LR 26(b)): ..... T - 22
Disclosure of Possible Additional Witnesses (LR 26(c)): ..... T - 16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases)
(LR 40(e)(2), 38(b)(2)): ..... T - 14
Discovery Cutoff (LR 37(g)): ..... T – 7
Deadline for Engaging in Alternative Dispute Resolution ..... T – 4
Pretrial Conference (LR 16): ..... [if ordered by assigned judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits
(LR 16(a)(3)): ..... T - 3
Deadline for Hearing Dispositive Pretrial Motions
(LR 56, CR 56): ..... T - 2
Joint Statement of Evidence(LR 16(a)(4)): ..... T - 1
Trial: ..... T

It is ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in Rule 37 of the Superior Court Civil Rules, may be imposed for noncompliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated:_____ _____
Judge

I understand that a copy of this document must be given to all parties: _____
(Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

(f) Monitoring. At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

(g) Enforcement; Sanctions; Dismissal; Terms.

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions"

includes but is not limited to the exclusion of evidence.

Official Comment

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or CrRLJ 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003.]

LR 4.1 CONFIRMATION OF SERVICE

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LR 4.

(b) Generally. No later than the date designated in the Case Schedule, the plaintiff or petitioner shall file a paper entitled "Confirmation of Service," except that in cases governed by LR 94.04, an Affidavit of Service may be filed instead of a "Confirmation of Service."

(c) Form. The Confirmation of Service shall be in substantially the following form:

CONFIRMATION OF SERVICE

[ ] All the named defendants or respondents have been served or have waived service. (Check if appropriate; otherwise, check the box below.)

[ ] One or more named defendants or respondents have not yet been served. (If this box is checked, the following information must also be provided.)

The following defendants or respondents have been served or have waived service:

_____

_____

The following defendants or respondents have not yet been served:

_____

_____

Reasons why service has not been obtained:

_____

_____

How service will be obtained:

_____

_____

Date by which service is expected to be obtained:

_____

_____

No other named defendants or respondents remain to be served.

_____ _____

Date Attorney or Party

_____

WSBA No.

(d) Service by Publication. If a defendant or respondent is being served by publication, the defendant or respondent shall be deemed "served," within the meaning of this rule only, when all arrangements have been made for publication, except for the publication itself.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1996.]

LR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY CASES

(a) Civil Non-Family Law Cases; Confirmation of Joinder of Parties, Claims and Defenses; Form. This rule applies to all civil cases with a Case Schedule that are not governed by LR 94.04.

(1) Additional Parties, Claims, and Defenses. No additional parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Case Schedule for Confirmation of Joinder of Additional Parties, Claims, and Defenses, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(2) Confirmation of Joinder; Form. No later than the designated deadline for joining additional parties and raising additional claims and defenses, as described in section (1) above, the plaintiff shall, after conferring with all other parties pursuant to paragraph (3) of this rule, file and serve a report entitled "Confirmation of Joinder of Parties, Claims, and Defenses," which will be in substantially the following form:

CONFIRMATION OF JOINDER OF PARTIES,
CLAIMS, AND DEFENSES

I. [ ] The parties make the following joint representations:

1. This case is not subject to mandatory arbitration.
   [If it is, this report should not be filed; instead, no later than the deadline for filing this report, a statement of arbitrability should be filed, pursuant to LMAR 2.1(a).]
2. No additional parties will be joined.
3. All parties have been served or have waived service.
4. All mandatory pleadings have been filed.
5. No additional claims or defenses will be raised.
6. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other subsequent deadlines in the Case Schedule.
7. All parties have cooperated in completing this report.

II. [ ] The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below):

[ ] This case is subject to mandatory arbitration, but not yet ready for the Statement of Arbitrability to be filed.
[ ] An additional party will be joined.
[ ] A party remains to be served.
[ ] A mandatory pleading remains to be filed.
[ ] An additional claim or defense will be raised.
[ ] One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other, subsequent deadlines in the Case Schedule.
[ ] A party has refused to cooperate in drafting this report.
[ ] Other explanation:

_____
_____
_____

DATED: _____ SIGNED: _____
Plaintiff/Petitioner/Attorney (If attorney, WSBA #:_____)
Typed Name: _____
Address:_____
_____
Phone: _____
Attorney(s) For: _____

DATED: _____SIGNED: _____
Defendant/Respondent/Opposing Counsel (If attorney, WSBA #:_____)
Typed Name: _____
Address: _____
_____
Phone: _____
Attorney(s) For: _____

(3) Parties to Confer in Completing Form. The plaintiff shall confer with all other parties in completing the form. If any party fails to cooperate in completing the form, any other party may file and serve the form and note the refusal to cooperate.

(4) Show Cause Hearing. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before the assigned Judge.

(5) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1(a) is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims, and Defenses, the Confirmation of Joinder need not be filed and no status conference will be held.

(b) Family Law Dissolution and Modification Cases; Confirmation of Issues; Referral to Mediation; Form.

(1) Confirmation of Issues; Referral to Mediation.

(A) Deadline for Raising Additional Issues. No additional issues may be raised after the date designated in the Case Schedule for Confirmation of Issues, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(B) Confirmation of Issues; Form. If all parties do not sign the Confirmation of Issues form or give telephonic authority for signature of the form, a status conference shall be held. No later than the designated deadline for raising additional issues, as described in subsection (b)(1)(A) above, the petitioner shall, after conferring with the respondent pursuant to subsection (b)(1)(C) of this rule, file and serve a report entitled "Confirmation of Issues," which shall be in substantially the following form:

CONFIRMATION OF ISSUES AND
CERTIFICATE REGARDING MEDIATION

[ ] The parties make the following joint representations:

[A CASE STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER WILL BE CANCELED ONLY IF THIS BOX IS CHECKED AND ALL PARTIES HAVE SIGNED THIS FORM OR GIVEN THEIR TELEPHONIC AUTHORITY FOR SIGNATURE]

1. All parties have been served or have waived service.

2. All mandatory pleadings have been filed.

3. No additional issues will be raised.

4. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other, subsequent deadlines in the Case Schedule.

5. All parties have cooperated in completing this report.

[ ] The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below):

[IF THE BOX ADJACENT TO THE PRECEDING SENTENCE IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.]

[ ] A party remains to be served.

[ ] A mandatory pleading remains to be filed.

[ ] An additional issue will be raised.

[ ] One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other subsequent deadlines in the Case Schedule.

[ ] A party has refused to cooperate in drafting this report.

[ ] Other explanation:

_____

_____

_____

In order to obtain the Court's direction in the matters described above, the parties will appear at an Initial Status Conference, the date of which (as stated in the notices on the Case Schedule) is:

_____

CERTIFICATE REGARDING MEDIATION

NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.

Petitioner: Address: Telephone:	Respondent: Address: Telephone:
Attorney for Petitioner: Address: Telephone:	Attorney for Respondent: Address: Telephone:

1. Is there a court order or other action regarding mediation?
   Yes ___ No ____

   If yes, check the appropriate box below:

   [ ] This matter has been referred to mediation by court order dated:_____.

   [ ] Mediation was waived by court order dated: _____.

   [ ] The parties are presently engaged in private mediation with (name, address & phone number):

   _____
   _____
   _____
   _____
   _____

   If any of the above boxes are checked, the case will not be referred to mediation per KCLR 4.2(b)(1)(E).

2. Is parenting of minor children contested in this case?
   Yes ____ No ____ [Check "yes" unless the same parenting plan has been signed

by both parties.]

If the answer is "Yes" and none of the boxes is checked regarding mediation, the Court Clerk will administratively refer the case to mediation at Family Court Services unless parties have filed an order waiving mediation. Please complete the items on the following page if parenting is contested and none of the above boxes regarding mediation is checked.

3. Is there an allegation of domestic violence in this case?
Yes ____ No ____

4. Is there an allegation of child abuse? Yes ____ No ____

5. Is there an allegation of sexual abuse? Yes ____ No ____

6. Is there a GAL or CASA appointed? Yes ____ No ____

If the answer is yes, provide the name, address & phone number of the appointed individual.

_____
_____
_____
_____

7. Is there a private parenting plan evaluator or Family Court Services evaluator previously ordered in this matter?
Yes ____ No ____

If the answer is yes, provide the name, address, & phone number of the appointed individual.

_____
_____
_____
_____

8. Is an interpreter needed for either party? Yes ____ No ____

If the answer is yes, provide the name of the party(s) and language(s) needed.

_____
_____
_____
_____

Notice to parties: This matter will be referred to mediation at Family Court Services whenever the parenting of the children is contested and you do not obtain a court order waiving mediation.

NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.

DATED: _____ SIGNED: _____
Petitioner/Attorney (If attorney, WSBA #:_____)
Typed Name: _____
Address:_____
_____
Phone: _____
Attorney(s) For: _____

DATED: _____ SIGNED: _____
Respondent/Opposing Counsel (If attorney, WSBA #:_____)
Typed Name: _____
Address: _____
_____
Phone: _____
Attorney(s) For: _____

(c) Paternity Cases; Confirmation of Completion of Genetic Testing; Form.

(1) The form Confirmation of Completion of Genetic Testing shall be filed by the petitioner no later than the date specified in the Case Schedule and shall be in substantially the following form:

[ ] The petitioning party represents that:
(IF THIS BOX IS CHECKED, THERE WILL NOT BE A STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER.)

1. Paternity genetic testing of all named parties has been completed, the results of the tests are available to all parties, and no party has requested additional testing, OR
2. Genetic testing is not necessary in this case because paternity has been admitted.

[ ] The petitioning party represents that:
(IF THIS BOX IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.)

1. Paternity genetic testing of all named parties has not been completed, or the results are not yet available to all parties, or a party has requested additional testing, AND

2. Genetic testing is necessary in this case because paternity is not admitted.

In order to obtain the Court's direction in the matters described above, the parties will appear at a Status Conference, the date of which (as stated in notices on the Case Schedule) is: _____.

NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.

DATED:_____ SIGNED:_____
Petitioner/Attorney (If Attorney, WSBA #)_____
Typed Name: _____
Address: _____
_____
Phone: _____
Attorney(s) For: _____

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2003.]

LR 4.3 STATUS CONFERENCE; NON-COMPLIANCE HEARING

(a) Applicability. This rule applies only to family law, including paternity matters.

(b) Status Conference; When Required. A status conference will be held in family law cases when:

(1) no confirmation of issues form or completion of blood testing form has been filed; or

(2) when the filed form indicates that requirements regarding joinder of parties and issues and/or testing remain outstanding.

(c) Status Conferences; Location and Timing. Status conferences are held at the date and time indicated on the case schedule. The courtroom number in which the conferences will be held will be posted. Status conferences for cases with a SEA designation will be held at the King County Courthouse. Status conferences for cases with a KNT designation will be held at the Regional Justice Center.

(d) Status Conference; Authority of Assigned Judge. Not withstanding the provision of subsection (a) of this rule, the assigned Judge may set a status conference in any case in which the court has determined that a status conference would be useful to the parties or to the court.

(e) Non-Compliance Hearing. If a party fails to appear for a required Status Conference as set by the Case Schedule, the Court may issue an order to show cause establishing a non-compliance hearing to be held before the Judge, Commissioner or Special Master designated by the Presiding Judge. At that conference the Court may order the Case Schedule to be met by specific dates, continue the hearing, dismiss the case, impose terms or sanctions, or take other action to enforce the court rules regarding the Case Schedule.

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 2002.]

LR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a)-(c) [Reserved].

(d) Filing. No motion for any order shall be heard unless the papers pertaining to it have been filed with the Clerk.

(k) Copies of Cases Not to be Filed. Photocopies or computer-generated copies of cases may be provided to a judge in working copies, LR 7(b)(3)(B), but shall not be filed with the clerk.

[Amended effective September 1, 1994; September 1, 1999; September 1, 2002.]

III. PLEADINGS AND MOTIONS (Rules 7-16)

LR 7. CIVIL MOTIONS

(b) Motions and Other Papers.

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LR 56 and LR 94.04.

(2) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LR 94.04;

(D) Motions before Ex Parte Commissioners;

(E) Motions for which the Court allows oral argument.

(3) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion papers no later than six court days before the date the party wishes the motion to be considered. Oral argument, if any, may be scheduled by a party requesting oral argument by requesting it in the parties' written papers or by contacting the staff of the Judge or Commissioner who will consider the motion and obtaining the Judge's or Commissioner's consent. A motion must be scheduled by a party for hearing on a regular judicial day. For cases assigned to a Judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the Judge's staff; for motions without oral argument, the assigned Judge will consider the motion on the next regular judicial day. For cases not assigned to a Judge, motions with oral argument will be returned by the Clerk if set for a non-judicial day; motions without oral argument will be considered on the next regular judicial day.

(B) Working Copies. Working copies of the motion and all papers in support or opposition shall be delivered to the Judge who is to consider the motion no later than the day they are to be served on all other parties. The working copies of all papers in support or opposition shall be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the Judge and shall be delivered to the Judge's mailroom in the courthouse in which the Judge is located.

(C) Opposing Papers. Any party opposing a motion shall file the original responsive papers in opposition to a motion, serve copies on parties and deliver copies to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon two court days before the date the motion is to be considered.

(D) Reply. Any papers in strict reply shall be filed, copies served on parties, and delivered to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon on the court day before the hearing.

(E) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the Court over objection of counsel except upon the imposition of appropriate terms, unless the Court orders otherwise.

(F) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken by the parties for any reason, the parties shall immediately notify the opposing parties and notify the staff of the Judge who was to hear the motion.

(4) Form of Motion and Opposition Papers.

(A) Note for Motion. A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the Judge to whom the case is assigned, the trial date, the date for consideration or hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

(B) Form of Motion and of Opposition Papers. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the Court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. The depositions and portions relied upon must be specified. Such specification of deposition testimony shall constitute a motion to publish the deposition, which motion will be deemed granted unless good cause is shown by an opposing party. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages of said deposition must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the Judge who is to consider the motion and to all other counsel or parties, but shall not be filed with the Clerk.

Any memorandum in opposition shall also conform to the preceding format. The initial motion and opposing memorandum shall not exceed 12 pages without authority of the Court; reply memoranda shall not exceed five pages without the authority of the

Court.

(C) Form of Proposed Orders; Mailing Envelopes. The moving party and any party opposing the motion shall attach to their papers a proposed order, clearly marked as "Proposed." The original of each proposed order shall be delivered to the Judge who is to consider the motion, along with working copies of the motion and opposition papers, but shall not be filed with the Clerk. For motions without oral argument, the moving party shall also provide the Court with pre-addressed stamped envelopes addressed to each party/counsel.

(5) Motions to Reconsider.

(A) Motion and Notice of Hearing. Motions for reconsideration of an order or judgment must be served and filed with proof of service on opposing parties, no later than 10 days after the date of entry of the order or judgment. The form of motion and notice of hearing shall conform to LR 7(b)(4). The motion shall set forth specific grounds for the reconsideration, and will be considered without oral argument unless called for by the Court.

(B) Response and Reply. No response to a motion for reconsideration shall be filed unless requested by the Court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two days of service of the response.

(C) Form of Proposed Order; Mailing Envelopes. The moving party and any party given leave to file a memorandum in opposition shall attach to their papers a proposed order, clearly marked as "Proposed." The original of each proposed order, together with pre-addressed stamped envelopes for each party/counsel, shall be delivered to the Judge who is to consider the motion.

(6) Reapplication. No party shall remake the same motion to a different Judge without showing by affidavit what motion was previously made, when and to which Judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another Judge.

(7) Motions for Revision of a Commissioner's Order. For all cases except juvenile and mental illness proceedings:

(A) A motion for revision of a Commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

(B) A hearing on a motion for revision of a Commissioner's order shall be scheduled within 21 days of entry of the Commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the RJC Chief Judge.

(iii) All motions for revision of a Commissioner's order shall be based on the written materials and evidence submitted to the Commissioner, including papers and pleadings in the court file. The moving party shall provide the assigned Court a working copy of all materials submitted to the Commissioner in support of and in opposition to the

motion, as well as a copy of the electronic recording, if the motion before the Commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side.

(iv) The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Civil Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the Judges' mailroom, for the assigned Judge or Chief Civil Judge, the motion, notice of hearing and copies of all papers submitted by all parties to the Commissioner.

(vi) For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002.]

LR 10. FORM OF PLEADINGS AND OTHER PAPERS

(a) File Copies to Be Originals; Paper Requirements. All original documents filed shall be clear, legible and permanent, and printed or typewritten in black or dark blue ink on nontranslucent bond paper or other paper suitable for scanning and microfilming. Tissue, thermal, or onionskin paper shall not be used. All original pleadings and other papers shall be first impressions and not carbon copies. Printed, multilithed, mimeographed, photocopied, and other comparable reproductions are acceptable. Every original paper filed, except ribbon copies of typewritten documents, shall bear the word "original." Every paper other than the original filed with the Clerk or delivered to a Court must be labeled "copy." The Court may refuse to sign any order not complying with this rule.

(e) Format Recommendations.

(-) Format Requirements. The format recommendations set forth in CR 10(e) and GR 14 shall be required. The Clerk may, under the supervision of the Presiding Judge, reject any documents that do not conform to format requirements.

(3) Bottom Notation.

(A) Attorney's Signature Required. Every order and other paper presented to a judge for his/her signature shall be legibly signed by the individual attorney presenting it on the lower left-hand corner of the page to be signed by the judge.

[Amended effective September 1, 2001]

LR 11. SIGNING OF PLEADINGS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state on his/her pleading, notice of appearance, and other documents filed by him/her, his/her mailing address and street address where service of process and other papers may be made upon him/her.

(b) Clerk's File to Indicate Pro Se Appearance. When a party appears pro se, without filing a pleading or other paper, the clerk shall insert in the file a document indicating that the party has appeared without attorney.

(c) Notice of Rule Requirements. When a party appears in court without an attorney and without filing a written pleading or other paper, pursuant to process served upon him/her, the clerk shall deliver to him/her a printed form containing the substance of subsection (a) of this rule, together with appropriate blanks for the name and address of the party, and shall request the party to file his/her name and address. The clerk shall make a minute entry that such printed form has been delivered.

[Amended effective September 1, 2001]

LR 15. AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations.

(1) Pleadings and Other Papers. Interlineations, corrections and deletions in pleadings and all other papers filed with the Clerk shall be initialed and dated by the party or counsel.

[Amended effective September 1, 2001]

LR 16. PRETRIAL AND SETTLEMENT PROCEDURES

(a) Pretrial Procedures-Civil Cases

(1) PreTrial Conference: Unless otherwise specified in this rule, the judge to whom a case is assigned will decide whether the case would benefit from a pretrial conference, order the pretrial conference, and either conduct such a conference or assign the case to a judge or other judicial officer for the conference.

(2) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk and send copies to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

(A) Type of trial and estimated trial length;

(B) Trial week attorney conflicts;

(C) Interpreter needs;

(D) To what extent alternative dispute resolution has been used in the case;

(E) Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(3) Motion by Party. All requests or motions, unless otherwise provided for herein relating to family law matters, for pretrial conferences pursuant to CR 16 must be noted by the deadline on the case schedule and shall be heard by the assigned Judge or as assigned by

the Presiding Judge.

(4) Exchange of Witness and Exhibit Lists. In cases governed by a Case Schedule pursuant to LR 4, the parties shall exchange, not later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(5) Joint Statement of Evidence. In cases governed by a Case Schedule pursuant to LR 4 the parties shall file, not later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

(6) Non-dispositive Pretrial Motions. All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LR 7(b)(2)(A). Responsive documents shall also be served and filed pursuant to the requirements of LR 7(b)(2)(A). In addition, courtesy copies of all motion papers shall be provided to the Judge who will be hearing the motion.

Official Comment

Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

(b) Pretrial Procedures in Family Law Cases Involving Children.

(1) Pretrial Conference. In dissolution cases involving families with children, non-parental custody cases, paternity cases not filed by the prosecutor, domestic relocation cases, cases to establish or disestablish paternity and set residential schedules, and in actions to establish or modify a parenting plan, the Court will schedule a pretrial conference, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is unrepresented. The conference may include:

(A) Hearing of non dispositive pretrial motions;

(B) Filing of trial briefs;

(C) The Court's estimate of length of trial;

(D) Any other matters that might simplify the issues and bring about a just, speedy and economical resolution of the matter.

(c) Settlement Conferences – All Cases

(1) By Agreement. By agreement of the parties a settlement conference may be arranged at any time with any Judge or Commissioner who agrees to conduct the conference before or after regular court hours.

(2) Court Order. The Presiding Judge or the judge to whom a case is assigned, or a family law Commissioner in the case of a family law matter not assigned to an individual judge, will decide which cases would benefit from a settlement conference or other alternative dispute resolution process and order the same.

(3) Motion by Party. All requests for settlement conferences, not agreed to by both parties, shall be made by motion to the Judge to whom the case has been assigned or to a family law Commissioner in a family law case not assigned to an individual Judge.

(4) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney personally in charge of each party's case shall personally attend all settlement conferences and shall come prepared to discuss in detail and in good faith the following:

(i) All liability issues.

(ii) All items of special damages or property damage.

(iii) The degree, nature and duration of any claimed disability.

(iv) General damages.

(v) Explanation of position on settlement.

(B) Family Law Cases--Requirements. For all Family Law settlement conferences, each party shall prepare a financial declaration, in form as prescribed by the Office of the Administrator for the Courts, and submit it to the settlement Judge not later than two working days prior to the conference, or as required by the settlement Judge. This form may be supplemented but not be substituted.

(C) Failure to Timely Submit Proper Form. Failure to supply the family law settlement Judge with the appropriate form and attachments in a timely manner may result in the imposition of terms and sanctions as the Judge may deem appropriate.

(5) Parties to Be Available.

(A) Presence in Person. The parties shall, in all settlement conferences, be available and the Judge conducting the conference shall decide whether the parties shall be present in the conference room.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend said settlement conference, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend with sufficient authority to bind the insurer to a settlement.

(C) Court May Excuse Attendance. Attendance at a settlement conference of a party may be excused where by reason of health, absence from the county, or other good and sufficient reason compelling his or her personal attendance would be unduly burdensome. Whether or not parties, in non-family law cases, should attend personally shall always be determined in the discretion of the Judge presiding at the settlement conference.

(6) Failure to Attend. Failure to attend the settlement conference in accordance with paragraphs (A), (B), and (C) above may result in the imposition of terms and sanctions as the Judge may deem appropriate.

(7) Proceedings Privileged. Proceedings of said settlement conference shall, in

all respects, be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the Judge may in his/her discretion, order the settlement agreement, in whole or in case of a partial agreement, then the terms thereof, to be reported or recorded.

(8) Continuances. Continuances of settlement conferences may be authorized only by the settlement conference Judge on timely application.

(9) Pretrial Power of Court. If the case is not settled at a settlement conference, the Judge may nevertheless make such orders as are appropriate in a pretrial conference under CR 16.

(A) In marital proceedings and related cases this power includes but is not limited to appointment of a child advocate for any dependent children and the appointment of a special master or expert to advise the Court as to certain facts and circumstances relating to the welfare of dependent children, properties of the parties, and the physical and mental condition of the parties.

(10) Judge Disqualified for Trial. A Judge presiding over a settlement conference shall be disqualified from acting as the trial Judge in that matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004]

IV. PARTIES (Rules 17-25)

LR 23. CLASS ACTIONS

(a) Form of Complaint.

(1) Designation as Class Action. In any case sought to be maintained as a class action, the words "Class Action" shall be typewritten in capital letters on the first page of the complaint immediately above the space for the cause number.

(2) Class Action Allegations. To the extent practicable, the complaint shall contain under a separate heading entitled "Class Action Allegations" a reference to the portion or portions of CR 23 under which it is claimed that the suit is properly maintainable as a class action and also appropriate factual allegations (not conclusory allegations constituting mere recitation of the provisions of CR 23) to justify such claim, including, but not limited to:

(A) The size and definition of the alleged class.

(B) The basis upon which the plaintiff claims to be an adequate representative of the class, or if the class is comprised of defendants, the basis upon which the plaintiff claims that those named as parties are adequate representatives of the class.

(C) The alleged questions of law and fact claimed to be common to the class.

(D) In actions under CR 23(b)(3) allegations to support the findings required by that subdivision.

(b) Assignment for Hearing. Within 90 days after all parties have either filed an

answer or have been ordered in default, unless this period is extended on motion for good cause, the plaintiff shall file a motion under CR 23(c)(1) to determine whether or not the case may be maintained as a class action. Such written motion must be served on all other parties.

(c) Informal Conference. A party may request a conference between the Court and counsel for every party to the action to discuss any issue which they feel should be resolved prior to or in connection with the class determination, including but not limited to the order and scope of discovery, scheduling of hearings and class issues involved, and the extent to which the procedures provided for in these local rules should be modified or dispensed with.

(d) Court Order. The Court may allow the action to be maintained as a class action, may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or such other preliminary procedures as appear to be appropriate and necessary in the circumstances. Whenever possible, where it is held that the determinations should be postponed, a date will be fixed by the Court for the renewal of the motion. The Court, at the request of any party or sua sponte, and after appropriate findings of likely or actual abuse, may enter orders directing the substance or manner of communication with the potential and actual class members.

(e) Settlement Hearings and Judgments.

(1) Scheduling of Hearing. A motion for a settlement hearing must be made when any party seeks court approval of a proposal to compromise and settle a class action. The motion must be accompanied by all documents upon which the party will rely at the hearing, including copies of the settlement agreement, proposed notice to the class of the settlement hearing, and the proposed judgment. After considering the motion, the Court will enter an order granting or denying a settlement hearing. If it grants a settlement hearing, the order will include the time and place of hearing, the notice thereof to be given to the class members, and other matters which it deems necessary for the proper conduct of the hearing.

(2) Attorney's Fees. All agreements for the payment of fees to the attorney for the class representative should be included in the settlement. Regardless of whether the parties agree upon the amount of a fee, the Court will award only that amount which it determines to be reasonable.

(3) Judgment and Retention of Jurisdiction. If the settlement is approved, the Court will enter a judgment pursuant thereto. If the judgment requires future acts to be performed by the parties beyond mere payment of a money judgment, the judgment should include a provision for retention of jurisdiction while satisfaction of the judgment is being effected. All proposed judgments which are submitted to the Court should include detailed provisions for retention of jurisdiction where appropriate.

(Amended effective September 1, 1994; September 1, 1996.)

V. DEPOSITIONS AND DISCOVERY (Rules 26-37)

LR 26. Disclosure of Possible Lay and Expert Witnesses and Scope of Protective Order.

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LR 4.

(b) Disclosure of Primary Witnesses. Required Disclosures

(1) Disclosure of Primary Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure: Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness's relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefor and a brief description of the expert's qualifications.

(c) Motions to Seal. A motion to seal must be made separately and cannot be submitted as part of a protective order. When the court has entered an order permitting a document to be filed under seal, the filing party must comply with the requirements of LR 79(d)(6).

(d) Reserved

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

(f) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions s justice requires.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003.]

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LR 16(a)(3)(A) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LR 16.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (f) the rule specifically provides to the contrary.

LR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

(a)-(c) [Reserved].

(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Production or Inspection. If a party or an officer, director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his or her deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under rule 33, after proper service of the interrogatories, or (3) to serve

a written response to a request for production of documents or inspection submitted under rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others, it may take any action authorized under CR 37. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this subsection may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by rule 26(c). For purposes of this section, an evasive or misleading answer is to be treated as a failure to answer.

(e) Conference of Counsel. The court will not entertain any motion or objection with respect to Civil Rules 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules is served, willfully refuses to meet and confer, or having met, willfully refuses or fails to confer in good faith, the court may take appropriate action to encourage future good faith compliance.

(f) Certificate of Compliance. At the time of noting motion or objection for consideration, counsel for the moving or objecting party shall serve and file a certificate of compliance with this rule and enumerate therein the matters remaining for disposition by the Court.

(g) Completion of Discovery. Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (35 days in cases governed by LR 4.2(b), 28 days in cases governed by LR 4.2(c)). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 1, 1983; amended effective September 1, 1986; January 1, 1990; September 1, 1992; September 1, 1999; September 1, 2001.]

Official Comment

Paragraph (d) of this rule requires a party who disagrees with the scope of production, or who wishes not to respond to seek a protective order consistent with CR 37(d); a party may not withhold discoverable materials. Physicians Insurance Exchange v. Fisons Corp., 122 Wn.2d 299 (1993) at 353 and 354; Johnson v. Mermis, 91 Wash. App. 127, at 133 (1998); Pamelin Industries v. Sheen-USA, Inc., 95 Wn.2d 398 (1981). If a responding party does not fully respond and/or interposes objections, and if the responding party does not seek a protective order or obtain the agreement of the party seeking the discovery to narrow the requested discovery, upon motion, the Court will ordinarily impose sanctions for such failure. If the requested relief is sanctions, a motion to compel is not a prerequisite. See Fisons, supra, at 345.

[Rule 37(g)] If the parties agree in writing to permit discovery after the discovery cutoff, and it later becomes necessary to continue the trial date as a result of such discovery, the Court will ordinarily impose sanctions on one or more of the

attorneys or parties. The parties can avoid this risk by moving in advance to extend the discovery cutoff, provided they can show good cause for the extension. See LR 4(d).

If an attorney's or party's lateness in responding to discovery requests makes it necessary for another party to request an extension of the discovery deadlines, the Court should ordinarily impose sanctions on the attorney or party whose responses were late. If the attorney or party requesting extension of the discovery deadlines delayed unreasonably in taking action to enforce its discovery requests, subject to the limitations imposed by paragraph (e) of this rule (pertaining to conference of counsel), the Court may also impose sanctions upon the attorney or party requesting extension of the discovery deadline.

VI. TRIALS (Rules 38-52)

LR 38. JURY TRIAL OF RIGHT

(b) Demand for Jury

(1) Separate Document. The demand for jury trial shall be contained in a separate document.

(2) Deadline for Filing Demand. In cases governed by a Case Schedule pursuant to LR 4 (excluding domestic and paternity cases), a jury demand shall be filed and served no later than the final date to change trial designated in the Case Schedule, which shall

be deemed the date on which the case is called to be set for trial within the meaning of CR 38(b).

[Amended effective January 1, 1990; September 1, 1992; September 1, 2001.]

LR 40. ASSIGNMENT OF CASES

(a) Notice of Trial--Note of Issue.

(1) The Clerk at filing will issue for all civil cases, except those noted in LR 4(b) or 40(a)(2), a trial date and a Case Schedule, and will assign the case to a Judge. Except as provided in LR 40(a)(2), all motions, trials and other proceedings in a case shall be brought before the assigned Judge. For cases in the Kent Case Assignment Area, the Regional Justice Center Chief Judge is delegated the responsibility of the Chief Civil Judge.

(2) Cases not assigned a Case Schedule or Judge on filing, or where initial hearing is not held before the assigned Judge:

(A) Antiharassment Petitions. Applications for temporary orders shall be presented in the Ex Parte Department. Hearings on final orders for Seattle and Kent case assignment area cases shall be set by the Seattle or Kent Ex Parte Commissioner in the temporary order.

(B) Certificate of Rehabilitation. These shall be noted with oral argument for 1:30 PM, Tuesday or Wednesday, in the Chief Civil Department for Seattle case assignment area cases. Kent case assignment area cases shall be set for 9:30 AM on Fridays before the Chief Regional Justice Center Judge.

(C) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument and mail to all parties. The decision shall be mailed to the parties.

(D) Family Law Proceedings. Except for emergency matters and

temporary restraining orders which may be heard in Ex Parte, motions for temporary orders in family law cases shall be brought before the Family Law Commissioners, as provided in LR 94.04.

(E) Guardianship Petitions. The hearings shall be scheduled before an Ex Parte Commissioner. If the matter is contested, it may be referred by the Commissioner to the Clerk who will issue a trial date and a Case Schedule and will assign the case to a Judge.

(F) Marriage Age Waiver Petitions. These petitions shall be presented in the Ex Parte Department.

(G) Mental Illness Proceedings. The hearings in mental illness proceedings shall be heard on the mental illness calendar.

(H) Minor Settlements. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Chief Civil Department for assignment.

(I) Non Compliance Hearings. Hearings on the return of orders to show cause for failure to comply with the Case Schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases, before the Special Master, Commissioner or Judge hearing that calendar.

(J) Orders for Protection. Petitions for temporary orders shall be presented in the Ex Parte Department. Final hearings will be set on the domestic violence calendar in the Family Law Department.

(K) Probate Proceedings. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(L) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(M) Status Conference (LR 4.3). The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases before the Special Master, Commissioner or Judge hearing that calendar.

(N) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Chief Civil Department.

(O) Support Modifications (Trials by Affidavit). See LR 94.04(g)(7).

(P) Unlawful Detainer Actions. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the Commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a Judge.

(Q) Work Permits. Applications for work permits shall be presented to the Chief Civil Department.

(R) Writs.

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family

Court department at the Regional Justice Center; other extraordinary writs (Coram Nobis, Mandate, Prohibition, Certiorari) shall be presented to and made returnable to the Chief Civil Judge in Seattle for Seattle case assignment area cases or to the Chief RJC Judge in Kent on Fridays at 10:00 AM for Kent case assignment area cases. For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented to the Ex Parte Department or the assigned judge.

(ii) Writs of Review. (see LR 98.40)

(3) If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned Judge, or if no assigned Judge, to the Chief Civil Department, for assignment of a trial date and a Case Schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

(4) Motions to consolidate cases for trial or other purposes, or to reassign a case to a different Judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned Judge may be consolidated into another case by any judicial officer on the Court's own motion.

(5) When a Judge transfers to another department of the Court, unless otherwise ordered, all cases assigned to the transferring Judge shall be automatically transferred to the successor Judge.

(6) A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(d) Trials.

(1) Court File. At all hearings and trials, the Clerk's files are for the use of the Court. For all court documents retained solely on microfilm in a court file which are relevant to the issues in a motion or trial, a designation of those documents shall be filed by the party requesting such with the Clerk, and a copy served upon the opposing party and assigned Judge not less than five court days before the trial date.

(2) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions. Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a copy to the assigned Judge, no later than five calendar days before the scheduled trial date.

(3) Attorney's Fees; Evidence to Be Presented. Evidence as to the reasonable value of attorney's services shall be presented following the presentation of all evidence on both sides respecting the matters at issue, and following a determination by the Court that a party is entitled to an award of attorney's fees.

(e) Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided

without oral argument. A motion to postpone a trial must be signed by the party making the motion unless it is shown why it is impractical for the party to sign, as well as by the party's attorney, if any. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the Judge changing the trial date may amend the case schedule, or direct that the Clerk issue a new case schedule.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For motions to consolidate or reassign a case in the interest of judicial economy, see LR 40(a)(4). For affidavits of prejudice see RCW 4.12.050.

(g) Affidavits--Court Commissioners. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002.]

LR 41. DISMISSAL OF ACTIONS

(b) Involuntary Dismissal.

(2) Dismissal on Clerk's Motion.

(A) Failure to Appear for Trial. If the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties by mail that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the mailing of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional 45 days or for such period of time as the court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the clerk shall issue another notice as described in this section

(C) Failure to Follow Schedule. The Court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for the status conference. In family law cases where

the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(D) Failure to File Judgment or Appeal Following an Arbitration Award. At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

(E) Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the 12 months just past. The Clerk shall mail notice to the attorneys of record that such case will be dismissed by the Court unless within 45 days following such mailing a status report is filed with the Court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received, the Court shall dismiss the case without prejudice.

(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim. No local rule.

(d) Costs of Previously Dismissed Action. No local rule.

(e) Notice of Settlements.

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual Judge and such written notice cannot be filed with the Clerk before the trial date, the assigned Judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the Court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LR 41(e)(3), the case may be dismissed on the Clerk's motion pursuant to LR 41(b)(2)(B).

_____ _____

Date Attorney for Defendant

_____

WSBA No.

_____ _____

Date Attorney for Plaintiff

_____
WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement With Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody of:_____
at:_____.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of:_____.
Date:_____

III. SIGNATURES

_____ _____
Attorney for Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent
WSBA No._____ WSBA No._____

_____ _____
Attorney of Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent

WSBA No._____ WSBA No._____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties by mail that the case will be dismissed by the Court for want of prosecution unless within 14 days after the mailing a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2002.]

Official Comment

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

LR 43. TAKING OF TESTIMONY

(a) Failure to Appear on Scheduled Trial Date

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record.

[Adopted effective September 1, 1996.]

LR 53.1 REFEREES

(a) Orders of Reference. Before the Court can order a matter referred to a referee under RCW 4.48, a complaint or petition shall be filed with the Clerk. If an order of reference by consent is sought under RCW 4.48.010, the motion requesting the reference, including a summary showing the referee is qualified under RCW 4.48.040, and the written consent shall be filed with the Clerk, and the action shall be exempt from Local Rule 4. If assignment without consent is sought by a party under RCW 4.48.020 a motion requesting that a case be referred to a referee shall be brought for hearing before the department to which the case has been assigned, or, if not assigned to a particular department, to the Chief Civil Judge in Seattle for cases with an SEA designation or to the Chief Regional Justice Center Judge in Kent for cases with a KNT designation.

(b) Public Proceedings. All proceedings before a referee pursuant to RCW 4.48 shall be open to the public unless, upon a showing of a compelling reason calling for confidentiality, the Court assigning the case to the referee orders otherwise.

(c) Posting of Notice of Trial. At least five days before the date the case is scheduled for trial before a referee, counsel shall provide the Clerk with two copies of a notice, suitable for posting, that sets forth the caption, cause number, name of referee, and the date and place of trial. If the Court has ordered that the proceedings shall be closed to the public, the notice shall so state. One copy of the notice shall be posted by the Clerk; the other copy shall be filed in the court file.

(d) Termination of Case. If a case referred to a referee is terminated without the filing of a final judgment, the parties shall have an order of dismissal entered or file with the Clerk a notice or certificate of settlement as provided in LR 41(e).

[Adopted effective September 1, 1993; amended effective September 1, 2003]

VII. JUDGMENT (Rules 54-63)

LR 54. JUDGMENTS AND COSTS

(f) Presentation.

(3) Presentation by Mail. Counsel may present agreed orders and ex parte orders based upon the record in the file, by use of the United States mail addressed either to the Court or to the Clerk. When signed, the Judge/Commissioner will file such order with the Clerk. When rejected, the Judge/Commissioner may return the papers by United States mail to the counsel sending them, without prejudice to presentation by counsel in person. An addressed stamped envelope shall be provided for return of any conformed materials and/or rejected orders.

(4) Presentation by Legal Assistant. Legal assistants who are duly registered with the King County Bar Association or any local bar association of this state may personally present agreed, ex parte and uncontested orders based solely upon the documents presented and the record in the file.

(g) Interlineations.

(1) Orders and Judgments. All interlineations, corrections, and deletions in orders and judgments signed by the Court and in any document incorporated by reference in an order or judgment must be initialed and dated by the Judge and by counsel for any party affected.

[Amended effective September 1, 1984; amended effective September 1, 1993]

LR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has been no appearance or answer, a party may seek entry of an Order of Default without notice in the Ex Parte Department. When there has been an appearance or answer, the motion for default shall be noted for hearing on the family law motions calendar for family law cases. In non-family law cases, the motion shall be noted

without oral argument before the assigned Judge, or if none, in the Courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases.

(2) Late Appearance or Answer. When a party has appeared or answered at any time prior to consideration of the Motion for Order of Default, the moving party shall notify the Judge or Commissioner before whom the motion is pending or presented, of this fact.

(b) Entry of Default Judgment.

Upon entry of an Order of Default, a party may move for entry of judgment against the party in default, without further notice, in the Ex Parte Department or before the assigned Judge. If testimony is required, the movant shall schedule the matter at any time in the Ex Parte Department, or at the time designated by the assigned Judge's department.

(c) Setting Aside Default.

Orders to show cause to vacate orders of default judgments shall be presented on the family law motions calendar in family law cases; in other cases to the assigned Judge, if any, and in the Ex Parte Department in all other cases.

(d) Failure to Appear at Trial.

The failure of a party to appear at trial is not governed by this rule. (See LR 43.)

[Adopted effective September 1, 1996; amended effective September 1, 2003.]

LR 56. SUMMARY JUDGMENT

(c) Motions and Proceedings

(1) Scope of Rule. This rule governs all motions for summary judgment.

(2) Argument. All summary judgment motions shall be decided after oral argument, unless waived by the parties. The length of oral argument shall be determined by the assigned judge.

(3) Dates of Filing and Hearing. All papers shall be served and filed and all hearings shall be set in conformance with the requirements of LR 7(b)(3), except that the deadlines for moving, opposition, and rebuttal papers shall be as set forth in CR 56.

(4) Form of Motion and Opposition Papers. All moving, opposition and rebuttal papers shall conform to the requirements of LR 7(b)(4), except that moving and opposition memoranda may exceed 12 and shall not exceed 24 pages and rebuttal memoranda shall not exceed five pages without authority of the court.

(5) Motions to Reconsider. All motions to reconsider shall conform to the requirements of CR 59 and LR 7(b)(5).

(6) Reapplication. Reapplications shall conform to the requirements of LR 7(b)(6).

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]
[Amended effective September 1, 1983; September 1, 1984; May 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; September 1, 2001.]

LR 58. ENTRY OF JUDGMENT

(a) When.

(1) Judgments and Orders to Be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the Courthouse, but must be filed forthwith by the attorney obtaining it with the Clerk's office or with the Clerk in the courtroom.

(b) Effective Time.

(1) Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be effective from the time of filing in the Clerk's central office.

(2) Not to Be Entered Until Signed. The Clerk will enter no judgment or decree until the same has been signed by the Judge.

(3) Judgments on Notes. The Court will sign no judgment upon a promissory note until the original note has been filed.

VIII. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)

LR 66. RECEIVERSHIP PROCEEDINGS

(a) Generally.

(1) Petition and Notice. A petition for appointment of a receiver may be filed in an underlying proceeding, as provided in RCW 7.60 or as a new action as otherwise provided by statute. Reasonable notice of the time and place of the hearing to determine the appointment of a receiver and the name of any proposed receiver recommended by the petitioner shall be served upon all parties. If the petition is filed as a new action, the initial hearing shall be set in the Ex Parte Department, and an order to show cause shall be served on all parties. Contested proceedings may be referred by the commissioner to the assigned Judge. Petitions filed in a pending action shall be heard by the assigned Judge, and do not require an Order to Show Cause if all parties have been served and appeared in the action. Upon the appointment of a receiver, the receiver shall notify all parties of the appointment.

(2) Procedure. Court rules for motion practice will apply to applications for appointment of a receiver.

(3) Status Conference. After the appointment of a receiver, any party may note a status conference before the assigned Judge for the purpose of determining the course of proceedings in the receivership, including amending the case schedule and such other matters as may be appropriate for the receivership.

(4) Ancillary Proceedings. Any actions filed by or against a receiver shall be assigned to the Judge overseeing the receivership, unless otherwise ordered by that Judge.

[Amended effective September 1, 1997]

LR 69. EXECUTION

(b) Supplemental Proceedings.

(1) Time. Supplemental proceedings shall be conducted commencing at such time as assigned by the Court in the Courtroom of the Chief Civil Department for Seattle case assignment area cases and by the Chief RJC Judge for Kent case assignment area cases.

(2) Failure to Appear. Failure of the person to be examined to appear shall result in issuance of a bench warrant by the Court. Failure of the examining attorney to appear without prior notification to the Court shall result in release of the person to be examined and may result in imposition of terms against that attorney if subsequent supplemental proceedings are scheduled for the same debtor.

[Adopted effective September 1, 1984; amended effective September 1, 1996; September 1, 2003.]

X. SUPERIOR COURTS AND CLERKS (Rules 77-80)

LR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions.

(1) Continuous Session. There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

(2) Court Hours.

(A) Presiding Department. The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) Trial Departments. Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) Ex Parte Department. The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday.

(i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) Presiding Judge; Duties. The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

(2) --Same; Jurors. The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the

determination for requests for excuse from jury service to senior jury staff.

(3) --Same; Liaison with Departments. If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases, for hearing or reassignment.

(4) --Same; Criminal Arraignments, Emergency Orders and Writs. The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children and other extraordinary writs shall be presented to the Chief Civil Judge for Seattle case assignment area cases and the Chief Regional Justice Center Judge for Kent case assignment area cases. Applications for emergency and miscellaneous applications on civil matters shall be presented to the Chief Civil Department. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge, or except as provided in LR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) --Same; Ex Parte Orders. The Chief Civil Department may hear any matters assigned to or arising out of the Ex Parte Department.

(6) --Same; Judges Pro Tempore. All judges pro tempore shall be appointed by the Presiding Judge.

(7) --Same; Absence. The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) --Same; Delegation of Duties. The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

(9) Ex Parte Department; Show Cause Orders. Applications, motions, show cause orders and citations shall be made returnable before the following departments:

(A) Probate. Motions, orders to show cause and citations in probate shall be made returnable to the Ex Parte Department.

(B) Writs of Restitution; Unlawful Detainer. Orders to show cause why a writ of restitution should not be issued in an unlawful detainer matter shall be made returnable to the Ex Parte Department.

(C) Other. Motions and orders to show cause in all other civil proceedings shall be made returnable before the assigned judge.

(10) Orders to Show Cause. The court shall make orders to show cause returnable in not less than five days except for good cause shown.

(11) Sealed Files. Applications to examine sealed files shall be made as follows: civil and domestic cases to the Ex Parte Department; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion and affidavit showing good cause therefor. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

[Amended effective September 1, 2001; September 1, 2003]

LR 78. CLERKS

(a) Powers and Duties of Clerk.

(1) Certification. The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.

(c) Orders by Clerk.

(1) Commission to Take Testimony in Probate and Adoption Proceedings. Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

(f) Bonds.

(1) Cash Bonds; Minimum Amount. Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least $25 and shall be paid in cash.

(2) --Same; Withdrawal. The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal, and forthwith upon its entry, withdraw the bond.

(g) Payment and Disbursal of Trust Funds.

(1) Payment of Trust Funds. Trust funds shall be paid to the Clerk with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.

(2) Disbursal of Trust Funds. Trust funds that are paid by attorney's check or company's check will be available to be disbursed eight court days after receipt by the Clerk. Trust funds that are paid by any other method listed in subsection (1) above will normally be available to be disbursed the first or second court day following receipt by the Clerk.

(h) Interest Bearing Accounts.

(1) Requests and orders directing the Clerk to place trust funds in amounts exceeding $2,000.00 into an interest bearing account, must be delivered to the Cashier Section of the King County Superior Court Clerk's Office. If the request or order was filed prior to payment of the trust funds, a copy of the request or order must be delivered to the Cashier Section at the time the trust funds are paid.

[Amended effective September 1, 1996.]

LR 79. BOOKS AND RECORDS KEPT BY CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits; Filing and Substitution. All exhibits and other papers received in evidence on the trial of any cause must be filed at that time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other paper to be filed or substituted in the files, in lieu of the original.

(A) Exhibit Files. The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(B) Exhibits--Inspection. No exhibits shall be inspected in the clerk's

office except in the presence of the clerk or one of his/her deputies.

(C) Original Court Record--Copies. No original court record shall be admitted as an exhibit, but a copy thereof may be so admitted.

(2) Unsuitable Materials as Exhibits. Whenever there is presented to the clerk for filing in a cause any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his/her file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made a part of the file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court except to the parties or their attorneys of record.

(3) --Same; Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(4) Withdrawal of Files and Exhibits.

(A) Files. The clerk shall permit no file to be taken from his/her office or from his/her custody, by anyone other than court personnel, unless written authority has first been obtained. All of the clerk's files which are in the hands of an attorney for the purposes of any trial or hearing must be returned by the attorney to the clerk at the close thereof. The clerk, or a designated deputy, may in his/her discretion and on application in writing, grant written authority to the applicant to withdraw one or more files from the clerk's custody for a period not exceeding ten days. The court may, upon written application showing cause therefor, authorize the withdrawal of specified clerk's files for a period in excess of ten days

(B) --Same; Statement of Facts. Statements of facts, after having been settled and signed, shall not be withdrawn from the Clerk's office.

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the Clerk only by:

(i) The Judge having the cause under consideration;

(ii) Official court reporters, without court order, for use in connection with their duties;

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel.

The Clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the Clerk against the original receipts. The Clerk shall keep all receipts for such exhibits for the period of three years from date.

(D) Failure to Return Files or Exhibits; Sanctions. In the event that an attorney or other person fails to return files or exhibits which were temporarily withdrawn by him/her within the time required, and fails to comply with the Clerk's request for their return, the Clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(E) Exhibits; Permanent Withdrawal. After final judgment, the time for appeal having elapsed, and no appeal having been taken, the Court, on application of any party

or other person entitled to the possession of one or more exhibits, and for good cause shown, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(i) --Same; Narcotics. When narcotic or dangerous drugs have been admitted in evidence or have been identified, and are being held by the Clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the Court for an order directing the Clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the Court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The Clerk shall then deliver the drugs and take from the law enforcement agency a receipt which he/she shall file in the cause. He/she shall also file any certificate issued by an authorized federal or state agency and received by him/her showing the nature of such drugs.

(F) Return of Exhibits and Unopened Depositions. In any civil cause on a stipulation of the parties that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, the Clerk may return all exhibits and unopened depositions, or may destroy them. The Court may enter an order accordingly.

(5) Sealed Files. The Clerk shall not permit the examination of any sealed file except by order of the Court entered pursuant to LR 77(i)(11).

(6) Documents Sealed By Court Order. Once the court order has been signed, the filing party must place the words "Sealed per court order filed (date)" in the caption of any document to be sealed. The filing party must then place the sealed document in a manila envelope marked "Sealed document" on the outside before delivering it to the clerk for filing.

[Amended effective September 1, 2001, September 1, 2003].

LR 80. COURT REPORTERS

(-) Scope of Rule.

The provisions of this rule shall apply to official court reporters, visiting Judge court reporters and court reporters pro tempore.

(c) General Reporting Requirements.

(1) Separate Civil and Criminal Notes. Court reporters shall keep separate notes for civil and criminal cases.

(2) Arguments; Voir Dire; Information Discussion. Unless expressly directed by the trial Judge, the following matters will not be reported:

(A) Closing arguments in civil cases, both jury and nonjury.

(B) Voir dire in civil jury cases.

(C) Informal discussions relating to proposed instructions.

(3) Oral Rulings and Decisions. Oral decisions by the Judge of any department which are transcribed for any purpose shall first be submitted to such Judge for correction prior to delivery of a final copy thereof and a final copy shall be furnished to the Judge for his/her file.

(d) Transcripts and Statements of Fact.

(1) Transcripts; Notice to Opposing Counsel. Subject to making satisfactory arrangements for payment of cost, reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one counsel for a transcript of any portion of the record, the reporter shall give prompt notice to opposing counsel of the request.

(2) Statements of Fact; Ordered in Writing. Orders by counsel for statements of facts shall be in writing, and shall be timely. Subject to making satisfactory arrangements for payment of the cost, reporters shall furnish promptly all statements of fact on written order from counsel.

(3) Substitution of Reporters. In the event there is a substitution of reporters, counsel may order the transcript or statement of facts from the reporter first assigned, who shall notify the substitute reporter of the order.

(4) Cases Involving the Dependency of a Child or the Termination of Parental Rights--Accelerated Provision.

(A) In all cases in which appellate review is sought of decisions involving or relating to (1) the termination of parental rights pursuant to RCW 13.34.180 through RCW 13.34.220, and/or (2) findings of dependency and disposition orders entered pursuant to RCW 13.34.110 and RCW 13.34.130 respectively, the party seeking appellate review or counsel for such party shall, except as otherwise provided herein, order in writing all necessary transcripts of the report of proceedings from the responsible court reporters within ten days after filing of a notice of appeal or a notice for discretionary review. Copies of any orders for such transcripts shall be promptly delivered to all other parties or their counsel.

(B) In all cases referenced in paragraph (A) above in which an order of indigency pursuant to RAP 15.2 has been sought, trial counsel for the party seeking appellate review shall notify any new counsel appointed on appeal of such appointment within five days after the date that such order of indigency is signed or within five days after applying to the Supreme Court for an order of indigency pursuant to RAP 15.2(b)(3) and (c). Appellate counsel shall order in writing all necessary transcripts of the report of proceedings from the responsible court reporters within fifteen (15) days after the signing of the order of indigency. Copies of any orders for such transcripts shall be promptly delivered to all other parties or their counsel.

(C) Unless the appellate court, upon motion by any party or upon affidavit from any responsible court reporter (copies of which affidavit shall be promptly forwarded to each party or their counsel), authorizes an extension of such period, such transcripts shall be made available to the appellate court and to each party or their counsel within sixty (60) days after receipt of the order for such transcripts by the responsible court reporters.

(e) Filing of Notes.

(1) Separate Civil and Criminal Notes. Reporters shall file their notes for civil and criminal cases separately with the county Clerk.

(2) Stenotype Machines; Loose-Leaf Notebooks. Court reporters using Stenotype machines or loose-leaf notebooks shall file their notes in the office of the county Clerk within thirty days after the conclusion of the trial or proceeding.

(3) Notebooks. Court reporters using notebooks shall file their notebooks with the county Clerk within thirty days after the notebooks are filled and the trial last reported

therein is completed.

(4) Index. An index, with the number and title of all trials reported, shall be attached to each set of Stenotype notes, loose-leaf notes and notebook, and filed therewith.

(5) Withdrawal of Notes; Return. After filing the notes, the reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefor to the county Clerk. The notes shall be returned to the County Clerk's office as the transcripts are completed, or on demand of the County Clerk.

[Amended effective September 1, 1989.]

XI. GENERAL PROVISIONS (Rules 81-86)

LR 82. CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Papers and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

(2) Where Proceedings Held. All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing as follows:

(i) Family Law, Paternity and Adoption Cases. For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent

resides or if neither party resides in King County, in the Seattle case assignment area.

(ii) Probate, Guardianship and Trust cases. For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located.

(iii) Orders for Protection and Orders for Antiharassment. For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

(iv) Other Civil cases. For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

(v) Appeals from Courts of Limited Jurisdiction and Transcripts of Judgment. For RALJ appeals, the Seattle case assignment area. For small claims appeals and transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

(vi) Actions filed pursuant to RCW 36.01.050. For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

(vii) Domestic Modifications and Support Adjustments. Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

(viii) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW. Seattle if the primary residence of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing as required by LR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LR 4.2(b). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the

timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Papers Filed. Pleadings and papers for any civil action in King County may be filed with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of papers for the Judge must be delivered to the court facility where the Judge is assigned.

(6) Ex Parte Proceedings. Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

(7) Inclusion of Case Assignment Area Code. All pleadings and papers shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or papers that do not contain this case assignment area code.

(8) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

Attachment to Case Indexing Cover Sheet

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

_____ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ Kent Area, defined as

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

_____ _____

Signature of Petitioner/Plaintiff Date

or

_____ _____

Signature of Attorney for Petitioner/Plaintiff Date

_____

WSBA Number

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September

1, 1997; September 1, 1999; September 1, 2001.]

LR 83. LOCAL RULES OF SUPERIOR COURT

Except in case of emergency or other circumstances justifying immediate change, and except for rules that describe only the structure, internal management and organization of the court as provided in GR 7(a), the court shall submit to the Bar proposals for amendment of local rules so that members of the bar may submit comments or objections prior to the adoption of proposed amendments.

[Amended effective September 1, 2001]

LR 84. "FORMS"

(a) Requirements.

(1) All original pleadings or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the Clerk of the Superior Court in the order received.

(2) Action documents. Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents must contain special caption and specify the action required on the first page.

[Adopted effective September 1, 1984.]

XII. SPECIAL PROCEEDINGS RULES

LR 93.04 ADOPTION PROCEEDINGS

(a) Where Hearings are to be Held. All adoption hearings shall be heard in the Ex Parte and Probate Department of the case assignment area designated for that case unless specially set before a Judge. All hearings shall be noted in conformity with paragraph (b) of this rule.

(b) Notice of Hearing. All adoption hearings requiring notice shall be noted for hearing, on the approved Notice for Hearing form, at least 14 days in advance of the hearing date unless otherwise required for the hearing by law. The moving party shall serve and file all motions papers no later than 14 days before the hearing date.

(c) Notice to Adoption Service. Upon the filing of any initial pleadings for adoption of a minor child, the petitioner shall immediately notify the King County Family Court Adoption Service, on a form approved by the Court, of the filing of such proceeding and the names and addresses of all parties and attorneys. Copies of all Notices for Hearing for temporary custody, termination or relinquishment of parental rights or for the entry of a Decree of Adoption of a minor child shall be served upon the Adoption Service in conformity with paragraph (b) of this

rule.

(d) Court's Working Papers. Courtesy copies of pleadings and Notice for Hearing shall be delivered to the Judge's mailroom in the courthouse designated for the case no later than 14 days prior to the date set for hearing.

(e) Post Placement Reports and Services. No person shall provide post-placement services until authorized by the Court. Unless otherwise specifically ordered by the Court, the adoption agency having legal custody of the child may be appointed to prepare the post-placement report required by statute. In independent adoptions, the motion to appoint a qualified person to provide post-placement services shall be supported by a written curriculum vita or resume.

(f) Case Schedule. [Reserved]

(g) Confirmation of Consent. Except where legal custody of the adoptee is held by a licensed child placing agency, King County Family Court Services shall investigate and provide to the Court a report confirming the voluntariness of any consent to relinquish parental rights. No consent to relinquish parental rights shall be approved until the Court has received a report complying with this rule. The petitioner or Adoption Facilitator shall immediately notify the Adoption Service that a Consent to Relinquish Parental Rights of Consent to Adoption is anticipated and that a Confirmation of Consent report will be required.

(h) File Review. The Adoption Service shall review and forward to the Court the original court file, approved adoption checklist, court docket and working papers not less than two court days prior to any properly noted hearing. The Adoption Service shall notify the Court and parties of any deficiencies noted in the court file.

(i) Disclosure of Fees and Costs. A completed financial disclosure form shall be filed by the petitioner and considered by the Court at any hearing which may result in the termination of parental rights, award of temporary custody or entry of an adoption decree.

[Amended effective September 20, 1990; September 1, 1996; September 1, 1999.]

LR 94.04 FAMILY LAW PROCEEDINGS

Table of Rules

(a) Applicability. This rule shall apply to all family law proceedings. This includes without limitation:

(1) dissolutions of marriage;

(2) legal separations;

(3) declarations of invalidity;

(4) non-marital relationships involving parenting and/or the distribution of assets/liabilities;

(5) actions involving parenting plans;

(6) parentage actions;

(7) any proceeding in which the Court is requested to adjudicate or enforce the rights of the parties or children regarding the determination, enforcement or modification of child custody, visitation or parenting plans;

(8) child support;

(9) spousal maintenance; and

(10) the distribution of property or obligations in a dissolution, legal separation or declaration of invalidity.

The above include pre- or post-trial motions, returns on orders to show cause, motions to convert decrees of legal separation to decrees of dissolution, motions for summary judgment, discovery motions for cases not assigned to an individual Judge, and motions pursuant to CR 60.

(b) Sealing of Financial Source Documents. Financial source documents required by LR 94.04(d)(7)(B), (e)(2), (h)(7), and (i), such as tax returns, check registers, paystubs and statements of financial institutions, should not be attached to the financial declaration but should be filed separately using a cover sheet with the caption: "Sealed Financial Source Documents" as required by GR 22. The Clerk's Office shall file these records under seal consistent with GR 22.

(c) Where and How Family Law Motions are Heard.

(1) Motions Before Judges. Motions for protective orders, motions to compel discovery, motions in limine and motions relating to trial dates shall be brought before the assigned Judge on six court days notice pursuant to LR 7.

(2) Motions Before Commissioners. Except as otherwise provided in this rule, all motions and returns on orders to show cause shall be heard on the 10:00AM daily family law motion calendar on the basis of affidavits or declarations.

(-) Noncontested Family Law Actions. Noncontested actions for marriage dissolution, separation or invalidity decrees may be presented for final hearing in the Ex Parte Department on the regular noncontested dissolution calendar on at least 14 days notice. The 14 day notice requirement for final hearings shall not apply to agreed decrees when presented by an attorney of record, who as an officer of the Court, has signed a certificate of compliance in the form prescribed by the Court. The certificate shall be filed at the time the decree is entered.

(A) Oral Testimony or Special Settings. A request for oral testimony or special setting for argument that will require more than five minutes per side shall be clearly stated in the note for motion and the motion must be accompanied by a letter to the commissioners explaining why a special setting is needed and the length of time required, together with working copies of the moving party's papers and responses thereto if available. If the request is granted, the Court shall set the motion for a prearranged hearing time on the

Family Law Motion Calendar.

(B) Sealed File Matters. All sealed file matters shall be heard on the daily 1:30 PM calendar, for Seattle case assignment area cases. Kent case assignment area cases shall be heard on the 1:30 PM calendar on Mondays, Wednesdays, Thursdays and Fridays. This includes, but is not limited to, parentage actions. The notice of motion shall reflect that the matter is a Sealed File Calendar motion.

(C) GAL Motions in Parentage Actions. Motions for appointment of a Guardian ad Litem in parentage actions as required by RCW 26.26.090 and RCW 74.20.310 may be granted in the Ex Parte Department at the initiation of the proceedings or may be noted for hearing on the daily 1:30 PM calendar, for Seattle case assignment area cases. Kent case assignment area cases shall be heard on the 1:30 PM calendar on Mondays, Wednesdays, Thursdays and Fridays. If the matter is noted for the Family Law Motion Calendar, the notice of motion shall reflect that the matter is a Sealed File Calendar motion.

(D) Adequate Cause Threshold Hearings. Adequate cause threshold hearings in parenting plan and child custody modifications, including minor modifications, shall be heard on the 1:30 PM daily Family Law Calendar, for Seattle case assignment area cases. Kent case assignment area cases shall be heard on the 1:30 PM calendar on Mondays, Wednesdays, Thursdays and Fridays.

(E) URESA, UIFSA or State Support and Parentage Matters. Uniform Reciprocal Support Enforcement (URESA), Uniform Interstate Family Support (UIFSA) matters or motions pertaining to state initiated support enforcement or paternity matters shall be heard on the 1:30 PM calendar Monday or Thursday for Seattle Case Assignment Area Cases and on the 1:30 PM calendar on Tuesdays for Kent Case Assignment Area Cases, except as ordered by the Court. Exceptions may be granted by a Family Law Commissioner for good cause upon oral or written application of a party at the time the motion is noted for hearing.

(F) Support Adjustment Motions and Support Modification Trials. Support-only adjustment motions and modification trials shall be heard by a Family Law Commissioner unless otherwise assigned by the court. The support-modification calendar shall be set at such times and places as may be designated by the clerk of the court. Support modifications are also governed by the Case Schedule issued upon filing of the modification petition.

(G) Format and Procedures. Format and procedures for motions shall follow the Washington mandatory forms prescribed by the Office of the Administrator for the Courts or LR 7, to the extent they are not inconsistent with this rule.

(H) Order on Hearing. Unless otherwise ordered by the Court, immediately following each hearing an order reflecting the ruling of the Court shall be presented for signature.

(3) Notice and Hearing. The original of the motion together with all supporting documents including affidavits, certified statements or declarations pursuant to RCW 9A.72.085 must be filed with the Clerk, and copies served on all parties, and delivered to the Family Court Motions Coordinator at least 14 calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties and delivered to the Family Law Motions Coordinator no later than by noon four court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no

later than 12:00 noon two court days prior to the hearing. The upper right-hand corner of all copies delivered to the Family Law Motions Coordinator shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these papers are being delivered ("moving party," "opposing party" or other descriptive or identifying term) shall be written in.

(4) Noting for Non-Judicial Day. All family law motions must be noted to regular judicial days; if noted to a non-judicial day, said note will be returned by the Clerk with instructions that the case must be re-noted to a future judicial day. If a hearing is set by a court order to a non-judicial day, the Clerk will file the order and set the hearing to the next judicial day after the non-judicial day specified in the order. The Clerk will notify the parties of the new hearing date.

(5) Confirmations. The moving party must confirm the motion including hearings on the presentations of orders with the Family Law Motions Coordinator in person or by telephone between 2:30 PM three court days prior to the hearing and noon two court days prior to the hearing; otherwise, the matter will be stricken.

(6) Continuances. Prior to the close of the confirmation period the matter may be continued once by the stipulation of the parties. All such continuances must be to a day at least five court days beyond the presently set motion day. The motion must be timely confirmed for the date originally noted and the Family Law Motions Coordinator must be advised by telephone, by the original moving party of the agreed continuance between 2:00 PM three court days prior and noon two court days prior to the originally noted hearing. Hearings that have been continued or specially set shall be confirmed as required in paragraph (4) above.

(7) Time for Argument. Five minutes per side will be allowed for argument.

(8) Motions for Revision. See LR 7(b)(7).

(9) Reconsideration. See LR 7(b)(5).

(d) Child Custody and Parenting Plan Procedures.

(1) Information Required. In child custody, visitation or parenting plan disputes each party shall submit the following information on forms prescribed by the Court or by the Office of the Administrator for the Courts:

(A) A proposed custodial or visitation plan or parenting plan.

(B) Uniform Child Custody Jurisdiction Act Declaration and Declaration Regarding Other Proceedings, which must be timely supplemented throughout the pendency of the proceedings.

(2) Referral for Mediation, Evaluation and Investigation.

(A) Mandatory Mediation. All parties to parenting plan, custody or visitation disputes shall participate in mediation unless waived by court order for good cause. The parties may agree to refer additional issues for mediation subject to Family Court Services' policy.

(B) Family Court Services.

(I) Available Dispute Resolution. Mediation and investigation services, on a sliding fee basis, shall be made available through Family Court Services unless the parties elect, at their own expense, to engage a private mediator. Any other dispute resolution pursuant to the Parenting Act shall not be provided by Family Court Services unless otherwise ordered.

(ii) Investigation by Professionals. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred for a Family Court Services' investigation or, upon motion or by stipulation, to another suitable professional person or agency, with a report to be provided in writing to the Court and the parties in advance of trial.

(3) (Reserved)

(4) Evaluations. The Court may, upon motion, order a mental health evaluation or physical examination when appropriate. The issue of costs shall be addressed in the order. See LR 94.04(c)(7) on costs and fees.

(5) Child Advocate.

(A) Appointment. Upon motion of the parties or on the Court's own motion, the Court may appoint a child advocate who may be a Guardian ad Litem, a Court Appointed Special Advocate, or an attorney for the child.

The order shall designate the appointee, the duties, and make provision for payment of fees. See LR 94.04(c)(7) regarding costs and fees.

(B) Notice. The child advocate shall receive notice and copies of all discovery, hearings, presentations, and trials.

(C) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of Court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

(D) Court Appointed Special Advocate Program (CASA).

(i) Appointment. CASA may be appointed by the Court in its discretion and in contested cases where the parties have limited resources. The appointment shall be made on such order form as is prescribed by the Court, or the Office of the Administrator for the Courts. Agreement of counsel alone shall not be sufficient reason to appoint CASA.

(ii) Discharge. CASA shall be discharged, using a form order prescribed by the Court. Unless otherwise specified in the final pleadings in a cause, CASA may submit to the Court, without notice to the parties, an order form discharging the CASA program. Entry of the discharge order does not prejudice the right of any party to duly note a motion on the Family Law Motion Calendar requesting reappointment of CASA.

(iii) Copies. If CASA is appointed, each party shall provide the CASA office with copies of legal pleadings, orders, and discovery.

(iv) Reports. One copy of the completed CASA report will be sent to each of the parties or to their attorneys if represented and to the Court. CASA shall retain the original report in CASA's file. The petitioner and respondent and their attorneys shall not photocopy, distribute, disseminate, or make available a copy of the CASA report to any person not a party to the action without prior Court approval (other than an expert witness or to a Court having before it issues involving the children and parties).

(v) Hearings. Motions in which CASA has been appointed shall be noted on the 10:00 AM calendar; however, if CASA participation at the hearing is necessary, the motion will be heard at 11:00 AM or as soon thereafter as the case in progress is finished but not sooner than any other case that obtained an earlier hearing number. Motions requiring CASA participation on the sealed file calendar or afternoon modification calendar shall be noted

in the usual manner.

(6) Attorney for Child. An attorney appointed for a child shall represent the child and shall receive notice and copies of all discovery and hearings. See LR 94.04(c)(7) regarding costs and fees.

(7) Costs, Fees and Disbursements.

(A) Order to Pay. A motion for an order directing either a party or the county to pay the costs, fees and/or disbursements of an appointed attorney, child advocate or evaluator shall be heard on the family law motions calendar or by the trial court Judge hearing the matter. The order shall specify the allocation of the fees, costs, and disbursements among the parties.

(B) Financial Information. Each party shall provide a financial declaration on the form prescribed by the Office of the Administrator for the Courts, together with the following documents:

(i) Support Worksheets. Washington State Child Support Worksheets (ALL PAGES) signed by the submitting party, if child support is requested;

(ii) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W2s;

(iii) Partnership and Corporate Tax Returns. Complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or more;

(iv) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater.

(C) Indigency. Except for good cause shown, no reimbursement will be ordered at public expense for services performed or disbursements made prior to an order of indigency having been entered upon notice to the agency from whom payment is requested. If payment is sought from the Court, notice shall be served on the Superior Court Budget Director. The Budget Director shall audit the reasonableness of the fees, costs, and services and shall promptly submit it to the Audit Committee for an order of disbursement.

(D) Limitations. Unless greater expenditures are earlier ordered or agreed in writing to be paid by non-indigent parties, the fees of a GAL or attorney for the child or other investigator shall be set by the Court.

(8) Seminar for Parenting Plans.

(A) Applicability. This rule applies to all cases filed under RCW Ch. 26.09, 26.10, or Ch. 26.26 of the RCW filed after September 1, 2002, which require a parenting plan for minor children, including dissolutions, legal separations, major modifications, non-parent custody actions, and paternity actions in which paternity has been established. This rule does not apply to modification cases based solely on relocation. In the case of paternity actions initiated by the Prosecuting Attorney's Office, the Seminar For Parenting Plans shall be required only after an order on paternity has been filed with the court and a parenting plan is requested.

(B) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (A) above, and in those additional cases arising under Title 26 RCW where a court makes a discretionary finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, shall participate in, and successfully complete, an approved parenting seminar within 60 days after service of a

petition on the responding party. Successful completion shall be evidenced by a certificate of attendance filed with the court by the provider agency.

(C) Special Considerations/Waiver.

(i) In no case shall opposing parties be required to attend a seminar together.

(ii) Upon showing of domestic violence, abuse, safety concerns, or 26.09.191 allegations, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

waive the requirement of completion of the seminar; or

provide an alternative Seminar For Parenting Plans.

(iii) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

(D) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 60 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan or finalizing the parenting plan in this action, until the seminar has been successfully completed. The court may also refuse to allow the non-complying party to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking of pleadings.

(E) Finalizing Parenting Plans. All parties are required to attach to their proposed Final Parenting Plan a true and accurate signed and dated copy of the certificate of completion of the Seminar For Parenting Plans. No final parenting plan shall be entered without said certificate or a court order waiving attendance.

(F) Fee. Each party attending a seminar shall pay a fee charged by the provider and sanctioned by the court. The court may waive the fee for indigent parties.

(e) Financial Provisions.

(1) Required Financial Declaration. Any motion or response regarding temporary support or maintenance, attorney's fees or other financial relief, shall be made by motion and shall include a financial declaration on the form prescribed by the Office of the Administrator for the Courts.

(2) Financial Declarations--Contents. All parties seeking any form of financial relief or responding to any motion which seeks any form of financial relief on the family law motions calendars shall file and serve a financial declaration in the form prescribed by the Office of the Administrator for the Courts together with the following documents:

(A) Support Worksheets. If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

(B) Tax Returns. Complete tax returns for the past two calendar years together with all schedules and W2s;

(C) Partnership and Corporate Tax Returns. Complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party has had an interest of five percent or greater;

(D) Pay Stubs. All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater.

(f) Restraining Orders.

(1) Where Presented. Applications for temporary restraining orders shall be presented in the Ex Parte Department. Motions for relief to be effective during the pendency of litigation shall be noted for hearing on the family law motions calendar. Agreed Restraining Orders may be presented in the Ex Parte Department or Family Law Motions Courtroom, unless the same arose out of a contested hearing, in which case the Judge or Commissioner who heard the matter shall sign the order.

(2) Duration and Extensions. Every temporary restraining order granted without notice pursuant to CR 65(b) shall expire by its terms within such time after entry, not to exceed 14 days, as the Court fixes, unless, within the time so fixed, the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. A request for an extension may be considered by the Court immediately after entry of the original order, and in determining whether good cause exists for such extension, the Court shall consider the nature of the injury, loss or damage alleged and the time period within which a hearing may be held. Extensions may be granted where necessary to accommodate the 14-day notice requirement for family law motions. The reasons for the extension shall be entered of record.

(3) Motions to Quash/Terminate Temporary Restraining Orders. A motion to quash a temporary restraining order shall be heard by the Judge or Commissioner who entered the order, pursuant to CR 65(b). Motions to terminate restraining orders shall be noted for hearing on the family law motions calendar.

(g) Financial Declaration for Settlement Conference or for Trial.

(1) Required Financial Declarations. Unless directed otherwise for trial or settlement conference, in every contested family law action and for every family law settlement conference the attorney shall prepare a financial declaration, in the form prescribed by the Office of the Administrator for the Courts. Said declarations shall be served as set forth in LR 40(d)(2) for trial or as set forth in LR 16(c)(4)(B) for settlement conference.

(2) Filing Requirements. Financial declarations for trial shall be filed as required for all other pleadings. Financial declarations or other pleadings prepared for settlement conferences shall not be filed and shall be considered privileged as set out in LR 16(c)(7).

(3) Property Description Format. Financial declarations prepared for trial or for settlement conference shall have appended an additional page in substantially the following format:

Description of Property	Gross Value	Encumbrances Cost of Sale	Husband	Wife
TOTALS	$	$	$	$

Description of Other Debt	Amount	Husband	Wife
TOTALS	$	$	$

If a judgment lien is desired, specify the amount and terms of payment.

The above property and debt distribution is proposed by:

Date: _____ Signature of Person Submitting:_____

(h) Modification Proceedings.

(1) Clarification Procedures. An order or decree may be clarified upon motion heard on the family law motions calendar.

(2) Modification of Temporary Orders. Temporary orders may be modified by motion based upon a change of circumstances.

(3) Decrees Modifiable. In addition to decrees of this Court, the Court may modify decrees of other courts of the State of Washington, upon change of venue or filing a certified copy of the existing decree from another county, or foreign decrees entitled to full faith and credit, upon filing of an action for enforcement or registration.

(4) Jurisdiction and Venue. Jurisdiction and venue shall be determined according to statutory basis as of the time of filing of the petition to modify.

(5) Entry of Decree by Default. No decree of modification of support, parenting plan, visitation or custody shall be entered by default unless the adverse party was served with at least 20 days (60 days if out of state) notice of proceedings together with copies of pleadings.

(6) Parenting Plan, Custody or Visitation Modifications.

(A) Commencement. A proceeding for modification of a parenting plan or custody decree shall be commenced with the filing and personal service of a summons and verified petition for modification on the forms prescribed by the Office of the Administrator for the Courts. The petitioning party shall attach to the petition a Uniform Child Custody Jurisdiction Declaration, and a certified or true copy of the prior parenting plans or decrees if not entered in King County, and shall serve and file with the petition any affidavits or declarations to be considered at the threshold hearing on adequate cause.

(B) Response. The responding party, if opposing the modification, shall file and serve, within 20 days (or 60 days if service is outside the State of Washington) after service of the petition, a response to petition for modification on the form prescribed by the Office of the Administrator for the Courts. The responding party may also file and serve, as provided in LR 94.04(b), affidavits and declarations opposing a finding at the threshold hearing

of adequate cause.

(C) Adequate Cause Threshold Hearing. A threshold determination of adequate cause is required for any change in a parenting plan or custody decree. The threshold adequate cause hearing shall be noted for hearing, by petitioner or respondent, on the 1:30 PM daily family law motion calendar for Seattle Case Assignment Area cases, and for Kent Case Assignment Area cases the 1:30 PM calendar on Monday, Wednesday, Thursday or Friday, not earlier than 20 days after service of the petition (or 60 days if service is outside of the State of Washington) but prior to the case schedule date for "Confirmation of Issues; Referral to Mediation." The Court will determine whether there is adequate cause based on the petition, response, affidavits and declarations, and papers in the court file, and, unless the Court orders otherwise, without oral testimony. If adequate cause is found, the matter will proceed to trial as scheduled, unless the responding party has not filed a response, affidavits or declarations, or otherwise appeared, in which case the petitioning party may move for a default judgment, or unless it is a joint petition. If not noted in a timely manner for the threshold hearing, or if the Court at the threshold hearing finds there is not adequate cause, an order of dismissal shall be entered. If adequate cause has been shown, a copy of the Threshold Cause Order must be attached to the Confirmation of Issues document or the case will be set for status conference.

(D) Available Dispute Resolution. Mediation and investigation services, on a sliding fee basis, shall be made available through Family Court Services unless the parties elect, at their own expense, to engage a private mediator. Any other dispute resolution pursuant to the Parenting Act shall not be provided by Family Court Services unless otherwise ordered.

(E) Accelerated Trial Date. In any modification case involving contested parenting, upon motion of either party, after a finding of adequate cause, the Court will assign a trial date that is no later than 130 days from the date of application, unless the Court finds that the parties will be unable to prepare adequately for trial within that time. If a trial date assigned under this paragraph is sooner than 39 weeks from filing, the Court will make such other changes in the Case Schedule as are necessary.

(7) Support Modifications.

(A) Commencement. A proceeding solely for the modification of child or spousal support is commenced by petition, and each requires service of a summons and 20 days' notice before default (60 days if served out of state). The Summons and Petition shall be in the form as prescribed by the Office of the Administrator for the Courts and shall be served with a blank copy of the financial declaration.

(i) Case Scheduling. If there is a request for modification of custodial or visitation or parenting plan provisions, the matter is then treated as one for modification of custody or residential plan for Case Schedule and adequate cause hearing purposes.

(B) Financial Declaration: Modifications.

(i) Filing with Petition. All parties petitioning for modification of child support or spousal maintenance shall serve with the summons and petition a completed financial declaration in the form prescribed by the Office of the Administrator for the Courts together with the following required documents:

a) If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

b) Complete tax returns for the past three calendar years together with all schedules and W2s, a complete tax return for the year that the prior final court order of support was entered and complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater;

c) All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;

d) Check registers and all statements of financial institutions for the past six months showing all deposits and withdrawals made in all financial accounts in which a party has had an interest; and,

e) A blank financial declaration.

(ii) Responsive Documents. The responding party's answer or response and financial declaration in the form prescribed by the Office of the Administrator for the Courts shall be served, and the answer filed, within 20 days of service (60 days if served out of state), together with the following required documents:

a) If child support is an issue, Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

b) Complete tax returns for the past three calendar years together with all schedules and W2's as well as a complete tax return for the year that the prior court order of support was entered as well as complete partnership and corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater;

c) All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;

d) Check registers and all statements of financial institutions for the past six months showing all deposits and withdrawals made in all financial accounts in which a party has had an interest.

(iii) Pretrial Motions.

a) Motions to continue trial dates in support only and maintenance modifications shall be noted without oral argument before the Judicial Officer assigned to the Support-Only Modification calendar.

b) All other pretrial motions including discovery and motions to compel are to be heard on the family law motions calendar.

(C) Method of Disposition: Support Modifications.

(i) Trial by Affidavit. All support-only modifications shall be heard on affidavits, declarations, pleadings and discovery materials obtained pursuant to CR 26-37 only, unless both parties stipulate to arbitration as provided herein or unless, in extraordinary circumstances, the assigned Judicial Officer assigned to the Support-Only Modification authorizes oral testimony pursuant to subsection (iv) herein.

(ii) Unless otherwise assigned by the court, all support-only modification trials shall be heard on the support modification calendar by a Family Law Commissioner.

(iii) Affidavits of Prejudice Not to be Recognized. See LR 40(g).

(iv) Motion for Oral Testimony. A party seeking authority to

present oral testimony must file a motion requesting oral testimony, together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues, no later than the date set forth in the Case Schedule issued by the Court. The motion must be accompanied by a note for consideration before the Judicial Officer assigned to the Support-Only modification calendar. The motion shall be considered without oral argument.

The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

A motion for testimony may be joined by the other party, but an order providing for trial with testimony cannot be entered by stipulation. If the motion is granted, a Case Schedule will be issued in accordance with LR 4.

A support-only modification trial heard with oral testimony under this rule shall be heard on the support-modification calendar by a Family Law Commissioner, unless otherwise assigned by the court.

(v) Stipulation to Arbitration. The parties may jointly stipulate to arbitrate the issues pursuant to the Mandatory Arbitration Rules. Such a stipulation must be in writing in a form as prescribed by the Court. Motions for temporary relief after an arbitrator is appointed are heard by the arbitrator.

Requests for trial from arbitration shall be heard on the trial by affidavit calendar as established herein. Such appeals are otherwise subject to the other Mandatory Arbitration Rules relating to appeals from arbitration.

(vi) Trial by Affidavit--Procedure. Trial settings on the affidavit calendar must be confirmed as for any other trial setting, pursuant to policy of the Court. All pleadings, affidavits and exhibits on which a party seeks to rely at trial must be filed and served, in accordance with a schedule issued by the Court at the time of filing. Each side will have a maximum of 20 minutes to present argument on the issues.

(8) Procedure: Support and Parenting Plan Modifications.

(A) Orders to Show Cause. All applications for Orders to Show Cause and Temporary Restraining Orders, or reissuance of either, shall be made in the Ex Parte Department.

(B) Support, Custody Cases or Parenting Plans. Except as otherwise stated below, support, custody, visitation and parenting plan modifications shall proceed as original determinations. No adequate cause determination need be made at a threshold hearing for support only modifications. At the adequate cause hearing on the motion date, or return date if by order to show cause, or at the default hearing, the Court shall determine whether the parties followed the parenting plan's designated dispute resolution process prior to filing and may enter temporary orders including but not limited to the following: referral back to designated dispute resolution process; referral of the case for mediation and/or investigation; appointment of an evaluator, child advocate, attorney for the child, Guardian ad Litem and/or CASA. Motions to dismiss or challenges to the sufficiency of the evidence as well as preliminary determinations that the Court is the proper forum to exercise jurisdiction may also be determined at these hearings.

(C) UCCJA Cases. The Uniform Child Custody Jurisdiction Act (RCW

26.27) shall be complied with in all proceedings wherein the parenting or residential plan, custody or visitation of children is at issue.

(D) Referral for Mediation, Evaluation and Investigation (Modifications). All parenting plan, custody and visitation cases shall be referred back to the designated dispute resolution process if applicable, or for mediation unless this requirement is dispensed with by court order for good cause shown. The parties may agree to refer additional issues for mediation. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred for a Family Court Services investigation or, upon motion, to another suitable professional person or agency with a report to be provided in writing to the Court and the parties in advance of trial.

(E) Procedure on Default. In the event a respondent in a modification proceeding does not appear and file responsive pleadings, an order of default may be entered without notice and adequate cause shall in cases involving parenting or residential plans or custody or visitation issues be determined at the presentation of the default order. The Court may enter an Order of Default against any party for failure to provide discovery in accordance with the Civil Rules. Upon entry of the Order of Default, the evidence will be reviewed and decree entered in the Ex Parte Department.

(F) Entry of Final Orders. An Order re: Modification of Custody or Parenting Plan in the form prescribed by the Office of the Administrator for the Courts shall be presented to conclude each modification proceeding including those by default, unless the same is entered by stipulation and order in writing.

(i) Adjustments.

Each party to a motion for child support adjustment must file and serve upon the other party the following documents:

Washington State Child Support Worksheets (ALL PAGES), signed by the submitting party;

Complete tax returns for the past three calendar years together with all schedules and W2s as well as a complete tax return for the year that the prior court order of support was entered as well as complete partnership and/or corporate tax returns for the past two years together with all schedules and attachments for all partnerships and corporations in which a party's interest is five percent or greater;

All pay stubs showing income for the past six months or since January 1 of the calendar year, whichever period is greater;

Check registers and all statements of financial institutions for the past six months showing all deposits and withdrawals made in all financial accounts in which a party has had an interest.

Completed financial declaration in the form prescribed by the Office of the Administrator for the Courts.

(j) Enforcement Actions.

(1) Repealed 1988. See RCW 26.23 et seq.

(2) Garnishments. See RCW 7.33 et seq.

(3) Wage Assignments. See RCW 26.09.130; RCW 26.18.

(4) Civil Contempt Proceedings. Contempt proceedings shall be initiated by an Order to Show Cause which shall be served in the same manner as original service of a

summons. If a warrant is issued, it shall be delivered to the King County Police. The Sheriff will arrange for out of county service, if necessary. See RCW 7.21.

(5) Supplemental Proceedings. Supplemental proceedings shall be heard pursuant to LR 69.

(k) Sanctions. The failure to comply with this rule, including providing information required, may result in the imposition of sanctions or terms as the Court deems appropriate.

[Amended September 1, 1978; September 1, 1981; July 17, 1985; September 1, 1985; September 1, 1986; May 1, 1988; December 1, 1988; January 1, 1990; September 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 2001; September 1, 2002.]

LR 98.04 ESTATES-PROBATE-NOTICES

(a) Probate Hearings. Probate matters shall be heard in the Ex Parte and Probate Department in accordance with the policy guidelines in the probate manual issued by the court.

(b) Clerk's File and Noticed Hearings Required. The following matters shall be noted for hearing at least 14 days in advance:

(1) All guardianship and decedent's estate matters involving the approval of periodic reports, final accounts or the expenditure of funds;

(2) Petitions for orders of solvency, unless notice has been waived by the parties or is not required by law;

(3) Interim accounts in estate matters;

(4) Motion for confirmation of sale of real estate; or

(5) Any other matter in which the court is requested to find that certain procedural steps have been taken.

(6) Working copies of all contested matters and those requiring notice must be delivered to the Ex Parte and Probate Department or the judges' mailroom of the appropriate case assignment area, not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to Ex Parte or the judges' mail room of the appropriate case assignment area no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. The upper right-hand corner of all working copies shall be marked "working papers" and note the name of the calendar, the date and time of the hearing, and by whom these papers are being presented ("moving party," "opposing party" or other descriptive or identifying term shall be written in).

(c) Bonds to be Signed by Principal. All bonds required of personal representatives shall be signed by the principal and shall contain the address of the surety.

(d) Order for Production of Wills. Upon filing any petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is in a safety deposit box to which the deceased had access, any person having control of such safety deposit box may be directed by court order to open such box in the presence of the petitioner, and if a document purporting to be a will of the deceased is found, the custodian of

such safety deposit box shall deliver the same to counsel for the petitioner for immediate filing or to the clerk of the court.

(e) Appointments; Eligibility of County Employees. No county employee shall be appointed guardian or administrator in any matter in which compensation is allowed, unless he/she has an interest or blood kinship, or as an heir, or of a financial nature.

(f) Probate Homesteads; Prior Claims. In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, vouchers showing the payment of funeral expenses, expenses of last sickness and of administration including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, must be filed at or before the time of the hearing of said petition.

[Amended effective September 1, 1984; September 1, 1999; September 1, 2001.]

LR 98.16 SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) Representation.

(1) Working Papers. Working copies of reports of the settlement guardian ad litem, independent counsel and of the general guardian in regard to the proposed settlement shall be provided to the Ex Parte and Probate Department not later than seven days preceding the hearing.

(2) Ex Parte and Probate Department to Hear. All matters requiring the attention of the Court shall be presented to the Ex Parte and Probate Department.

(3) Independent Counsel. A plaintiff attorney representing the incapacitated person may be found to be an independent attorney upon application to the Court and entry of findings per SPR 98.16W. An attorney may not be specially retained by the parties for the purpose of serving as independent counsel, but may be appointed by the Court.

(4) Performance of Requirements; Review. If there is no general guardian at the time a settlement is authorized, the Court shall thereupon follow procedures for review and checking on the case until all requirements of the Court incident to the settlement have been complied with and appropriate receipts have been placed on file.

(5) File Number Case Type. All settlements other than those occurring in cases that already have a King County case number shall be filed with a guardianship case number.

(6) Report Date. Upon signing of the order appointing a settlement guardian ad litem or independent counsel, the Court will note on the order when the report is due.

(7) Reports and Accounting. Periodic reports and accountings required of guardians ad litem who are custodians of an incapacitated person's estate shall be filed and noted for hearing at least 14 days before the scheduled date.

[Amended effective September 1, 1984; September 1, 1993, September 1, 1996; September 1, 1999.]

LR 98.20 GUARDIANSHIPS AND TRUSTS

(a) Hearing Date (Initial Appointment). Upon application, the clerk shall set a date

and time for hearing on petitions for the appointment or removal of a guardian, limited guardian or trustee. Unless otherwise directed by court order, the date for an appointment hearing shall be not less than 45 days nor more than 60 days from the date of filing of the petition.

(b) Service and Filing of Reports (Initial Appointment). The report of the guardian ad litem, medical or psychological report, proof of service and other documents offered in support of the petition or in anticipation of the hearing shall be served and filed not less than seven days in advance of the hearing date. Working copies of the guardian ad litem report, medical or psychological report, and any additional affidavits shall be served upon the Ex Parte and Probate Department or judges' mail room of the appropriate case assignment area ~~and~~ not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to the Ex Parte and Probate Department or to the judges' mail room of the appropriate case assignment area no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. The upper right-hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these papers are being presented ("moving party," "opposing party," or other descriptive or identifying term).

(c) Report Date. Upon signing of the order appointing guardian or declaring a trust, the court will note on the order when the next report is due.

(d) Reports and Accountings and Contested or Noted Matters. Periodic reports and accountings required of guardians and trustees and other contested or noted shall be filed and noted for hearing at least 14 days before the scheduled date. Working copies of all reports, accountings, and contested matters otherwise noted or requiring notice must be delivered to the Ex Parte and Probate Department, or the judges' mailroom of the appropriate case assignment area not later than seven days preceding the hearing. Response documents, including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to the Ex Parte and Probate Department or the judges' mailroom of the appropriate case assignment area no later than noon four court days prior to the hearing time; documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. The upper right-hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these papers are being presented ("moving party," opposing party," or other descriptive or identifying term) shall be written in.

(e) Delinquency Calendar. The clerk of the court will track and notify the court of cases in which accountings are delinquent. The court will direct the guardian, trustee, and counsel to appear at a hearing in which sanctions may be imposed or the personal representative removed.

(f) Mailed Reports. Guardianship and trust reports and accountings may be presented for approval by mail without the necessity of noting the case on the appropriate motion calendar, provided that if any person has requested special notice of proceedings or is entitled to notice pursuant to any court order or notice of appearance, the party submitting an order by mail must obtain the approval and signature of the party entitled to notice on any proposed order of approval.

(g) Oaths. When a guardian changes his or her name he or she must file a new oath under the new name in order to receive new letters of guardianship.

[Adopted effective September 20, 1990; amended effective September 1, 1996; September 1, 1999; September 1, 2001; September 1, 2003]

LR 98.30 MENTAL ILLNESS PROCEEDINGS

(a) Hearing. The Court in any case tried to the Court without a jury shall state its findings of fact and enter its decision on the record. Written findings at this stage of the proceedings may be in abbreviated form.

(b) Supplemental Written Findings and Conclusions on Appeal. The Court shall enter supplemental written findings and conclusions in a case that is appealed to the courts of appeal. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions, together with a copy of the taped report of proceedings, to the appropriate Judge or Commissioner, within 21 days after receiving the respondent's notice of appeal.

(c) Commissioner's Decision Not Stayed. A Commissioner's written order shall remain in effect pending a motion on revision unless ordered otherwise by the reviewing judge.

[Effective September 1, 1995; September 1, 2001]

LR 98.40 WRITS OF REVIEW, MANDAMUS, PROHIBITION

(a) Applicability. This rule shall apply to a writ filed pursuant to ch. 7.16, RCW.

(b) Notice to Adverse Party. Except in extraordinary circumstances, no writ shall issue unless the adverse party has been given timely notice pursuant to CR 6, LR 7, of the application for writ. If the notice was not given in a timely manner, the hearing on the application for writ shall be continued. No stay of proceedings shall issue without notice to all parties to the underlying cause from which the writ is sought. No stay of proceedings shall be issued by a judge *pro tempore* absent express written authority of the presiding judge or, in her or his absence, the assistant presiding judge.

(c) Contents of Application for Writ. The following documents must be filed with the application for the writ:

(1) Statement of relief requested;
(2) Legal memorandum explaining why there is no adequate remedy at law;
(3) Declaration or affidavit in support of the factual assertions in the writ;
(4) Declaration of notice to adverse party or statement as to why notice should be excused.

(d) Scheduling of Hearing on Application for Writ: The hearing on a writ from a criminal or infraction case shall be noted before the Chief Criminal Judge for Seattle case assignment area cases. The hearing on a writ from any other case shall be noted before the Chief Civil Judge for Seattle case assignment are cases. All hearings for Kent case assignment area cases shall be noted before the Chief RJC Judge. Where a stay of proceedings has been entered, the dispositive hearing on the writ shall be heard within thirty days of the issuance of the writ.

(e) Motion to File Writ *in forma pauperis.* The Chief Criminal Judge, in criminal and infraction cases, or the Chief Civil Judge in other cases shall review a motion to file *in forma pauperis* before a hearing on the application for a writ shall be scheduled. If the motion is granted, the clerk shall accept the application for filing without requiring a filing fee and shall assign a case number.

(f) Issuance of Case Schedule. When the court has found adequate cause for issuance of a writ, the filing party shall obtain a trial date and a case schedule from the clerk who will also assign the case to a Judge.

[Adopted effective September 1, 2001; amended September 1, 2002; September 1, 2003]

XIII. LOCAL CRIMINAL RULES (Cite as LCrR)

LCrR 0.1 GRAND JURY

A grand jury shall be under the direct charge and supervision of the Judge, or Judges, to whom the Court may assign that duty by a majority vote of the Judges.

LCrR 0.2 COMMISSIONERS

When so assigned by the Presiding Judge or the Chief Criminal Judge for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases, commissioners may preside over arraignments, preliminary appearances, initial extradition hearings, noncompliance hearings pursuant to RCW 9.94A.200, accept guilty pleas, appoint counsel, make determinations of probable cause, set and review conditions of pretrial release, set bail, set trial and hearing dates, and hear continuance motions.

[Adopted effective September 1, 2001; amended effective September 1, 2003]

LCrR 1.1 LOCAL PROCEDURES

The current procedures for handling and processing criminal cases in King County Superior Court will be issued by the Presiding Judge and copies will be available in the Presiding Department and from the courtroom of the Chief Criminal Judge in Seattle and from the courtroom of the Chief RJC Judge in Kent.

[Amended effective September 1, 2001; September 1, 2003]

LCrR 2.2 WARRANT UPON INDICTMENT OR INFORMATION

(b) Issuance of Summons in Lieu of Warrant.

(1) When Summons Must Issue. Absent a showing of cause for issuance of a warrant, a summons shall issue for a person who has been released on personal recognizance by a magistrate by the exercise of discretion on the preliminary appearance calendar. The person

shall be directed to appear on the arraignment calendar.

(g) Information to Be Supplied to the Court. When a charge is filed in Superior Court and a warrant is requested, the court shall be provided with the following information about the person charged:

(1) The pretrial release interview form, if any, completed by either a bail interviewer or by the defense counsel.

(2) By the prosecuting attorney, insofar as possible.

(A) A brief summary of the alleged facts of the charge;

(B) Information concerning other known pending or potential charges;

(C) A summary of any known criminal record;

(D) Any other facts deemed material to the issue of pretrial release;

(E) Any ruling of a magistrate at a preliminary appearance.

[Amended effective September 1, 2001]

LCrR 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(f) Services Other Than Counsel. Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the King County Office of Public Defense.

[Effective January 1, 1996]

LCrR 3.2 PRETRIAL RELEASE

(a) Personal Bond; Ten Percent Deposit.

(1) Whenever bond has been set, either by use of a bail schedule, or by order in an individual case, unless the court order setting bond specifically provides to the contrary, the bond requirement may be met by deposit in the registry of the court in cash of a sum equal to ten percent of the amount of the bond and by the filing of a personal appearance bond in a form provided by the court.

(2) The appearance bond shall obligate the defendant to appear for all required court hearings and for trial and to keep a correct address and phone number on file with the court.

(3) Failure to comply with the obligations of the appearance bond without just cause will result in:

(A) Liability for the entire amount of the bond; and

(B) Forfeiture of the cash posted.

(4) Failure to comply with those obligations without just cause will also constitute grounds for imprisonment pending trial.

(5) The cash deposit will be returned to the person who posted the bond upon a showing that the defendant has fulfilled the conditions of the bond and upon presentation of an order showing the defendant has fulfilled the conditions and exonerating bond.

[Amended effective September 1, 2001]

LCrR 4.5 OMNIBUS HEARINGS

(d) Motions. All rulings of the Court at omnibus hearings or otherwise made in the criminal motion department shall be binding on the parties and shall not be relitigated at trial.

(i) Waiver. If there will be no pretrial motions or hearings in a case, and all parties agree that an omnibus hearing would not be beneficial, waiver of the hearing may be requested by written stipulation on a form provided by the Court. Such a request constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.

(j) Preparation. Discovery shall be completed to the extent possible during the plea bargaining period following initial arraignment. The parties shall have completed and furnished to the criminal motion Judge and to counsel copies of their respective omnibus applications before the hearing.

LCrR 4.11 VIDEO CONFERENCE PROCEEDINGS

(a) Criminal. Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court Judge. Any party may request an in-person hearing which may, in the Judge's discretion, be granted.

(b) Agreement. Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.

(c) Standards for Video Conference Proceedings. The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.

[Effective September 1, 1996]

LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA

(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Papers and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

a) Fugitives from justice.

b) Appeals in criminal cases from courts of limited jurisdiction.

c) Cases accepted into Drug Court.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

(4) Where Pleadings and Papers Filed. Pleadings and papers for any criminal action in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Service of papers on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

(5) Inclusion of Case Assignment Area Code. All pleadings and papers shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or papers that do not contain this case assignment area code.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001]

LCrR 7.1 PRESENTENCE INVESTIGATION

(a) When Required; Time of Service. Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

(b) Penalties for Violation. A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports have been filed as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

(c) Working Copies. Any party requesting that the court impose an exceptional sentence shall serve a working copy of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing.

[Amended effective September 1, 2001; September 1, 2002]

LCrR 9.1 IN FORMA PAUPERIS-APPEAL-COURT REPORTER LOG

The Motion for Order of Indigency shall contain the names and dates of appearance for all court reporters who recorded sessions for which authorization for transcription is requested.

[Adopted effective September 1, 1999]

XIV. LOCAL JUVENILE COURT RULES
(Cite as LJuCR)

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

(a) Appointment. A child's parent, legal guardian, or legal custodian has the right to be appointed an attorney, if qualified on the basis of indigency, as provided in RCW 13.34.090. The Court shall not appoint an attorney for any parent, legal guardian, or legal custodian not present at a hearing unless the Court makes a specific finding that a compelling reason for such appointment exists. Representation by a Court appointed attorney for a parent, legal guardian, or legal custodian in a dependency proceeding is limited by the provisions of these rules and the notice set forth in LJuCR 3.4(b).

(b) Motion for Appointment. At any point in an RCW Chapter 13.34 proceeding including proceedings for termination of parental rights or to establish dependency guardianships, a party who is not represented by an attorney may move the Court for appointment of an attorney, or referral therefor, pursuant to this rule.

(c) Demonstration of Eligibility. At any point in an RCW Chapter 13.34 proceeding, the Court may require on the motion of a party or the Court's own motion, a child's parent, legal guardian, or legal custodian to demonstrate current financial eligibility for a Court appointed attorney.

[Adopted effective March 20, 1997]

LJuCR 2.1 PLACEMENT OF CHILD IN SHELTER CARE GENERALLY

(a) Without Court Order. A child may be placed in shelter care without court order if the child has been taken into custody by a law enforcement officer pursuant to RCW 13.34.055 or RCW 26.44.050.

(b) With Court Order. A child may be placed in shelter care with a court order if:

(1) A dependency petition has been filed pursuant to LJuCR 3.2 and a motion has been made pursuant to section (c);

(2) The child has previously been found to be dependent, is the subject of a disposition order still in effect, and a motion has been made pursuant to section (c); or

(3) A previously entered shelter care order, disposition order, or dependency review order still in effect clearly provides that the child may be placed in shelter care by the supervising agency or a law enforcement officer pursuant to such conditions or terms as may be set forth in the order.

(c) Obtaining Order to Take Child Into Custody. A request for an order to take child into custody shall be by motion supported by a statement of the facts that form the basis for the motion. The statement shall be in the form of a sworn affidavit, an unsworn declaration or testimony in open court. The Court may enter such an order if it finds reasonable grounds to believe the child is dependent and that the child's health, safety and welfare will be seriously endangered if not taken into custody.

(d) Notice To Attorneys Of Record. The party moving for an order to take a child into custody shall take all reasonable steps to provide advance notice of this motion to the attorneys of record for the parents, guardians or legal custodians of the child, or the Guardian ad Litem or attorney appointed for the child, in all dependency proceedings presently pending before Juvenile Court. The means of notice shall be that most likely to give the earliest adequate notice, and may be verbal, by phone, facsimile machine, or any other means reasonably calculated to provide notice to the attorney or his or her office. The motion for an order to take a child into custody shall specify what notice was given or attempted and to whom, or set forth reasons why advance notice of the motion should not or could not be given to an attorney of record or Guardian ad Litem. The Court may issue an order to take a child into custody without advance notice of the motion on the Court's determination that the child's health, safety, and welfare may be seriously endangered or that the child may be concealed or removed from the jurisdiction of the Court if advance notice is given.

[Effective January 2, 1994]

LJuCR 2.2 RELEASE OF CHILD FROM SHELTER CARE WITHOUT HEARING

(a) If Shelter Care Is Without Court Order. If a child is taken into shelter care by a law enforcement officer without a court order, the child shall be released unless a petition alleging dependency is filed and a shelter care hearing held within 72 hours (excluding Saturdays, Sundays, and holidays) after the child is taken into custody.

(b) If Shelter Care Is With Court Order. If a child is taken into shelter care pursuant to a court order, the child shall be released unless a shelter care hearing is held within 72 hours (excluding Saturdays, Sundays, and holidays) after the child is taken into custody.

(c) 72-Hour Hearing For A Currently Adjudicated Dependent Child. If a child at the time of placement pursuant to LJuCR 2.1 above is an adjudicated dependent child pursuant to RCW 13.34, the 72-hour hearing shall be a contested dependency review hearing and the parties may submit reports and present argument subject to such limitations as the Court may impose. The hearing shall have the same priority as any other 72-hour hearing pursuant to LJuCR 2.4(b). Such hearing may be continued pursuant to LJuCR 2.3 (e) or (f) below.

[Effective January 2, 1994.]

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Setting of Shelter Care and Fact-Finding Hearings. The party filing a dependency petition and setting a 72-hour shelter care hearing shall at the time of filing the petition also set a second shelter care hearing to be held on the Juvenile Court "Contested Calendar" within 30 days of the 72-hour shelter care hearing and a fact-finding hearing to be held at King County Superior Court within 75 days of the filing of the petition. The Clerk of the Court shall issue a notice and summons pursuant to RCW 13.34.070 for the fact- finding hearing. In all dependency cases filed by the Department of Social and Health Services, the Department

shall be responsible for service of the summons and notice.

(b) Notice of Shelter Care Hearings. The notice of the 72-hour and 30-day shelter care hearings shall be given to the child's parents, guardians, or legal custodians as soon as reasonably possible after the child is taken into custody. Notice may be made by any means reasonably certain of notifying the parents, guardians or custodians of the child, including but not limited to written, telephone or in person communication and shall specify the time and place of the hearing, the right to an attorney and the general allegations of the petition or motion to take child into custody. Proof of notice or of attempts to provide notice of the hearings shall be made by written declaration or affidavit and submitted for the legal file at the 72-hour hearing. Notice shall also be given to children age 12 and over and they shall be advised of their right to attend the hearings. If a child age 12 and over wishes to attend the 72-hour or 30-day shelter care hearing, the agency having custody of the child shall be responsible for arranging transportation for the child.

(c) Written Notice of Shelter Care and Fact-Finding Hearing. The petition and/or motion to take child into custody, the notice of custody and rights required by RCW 13.34.060 and the notice and summons for the fact- finding hearing shall be served on the parents, guardians or legal custodians and to any child age 12 and older as soon as reasonably possible and a receipt signed by the receiving party or a declaration or affidavit of service shall be filed in the legal file. If the notice and summons for the fact-finding hearing cannot be served on a required party prior to or at the 72-hour hearing, it must be served as soon as possible pursuant to the requirements of RCW 13.34.070 and 13.34.080.

(d) Notice to Attorneys of Record. Where there is already a previously assigned or retained attorney of record for any party, including an attorney or Guardian ad Litem for the child, in a dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and fact-finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

(e) Notice to Public Defender Agencies. The petitioning party in a dependency and/or the moving party for an order to take a child into custody shall make available copies of the petition and any resultant order to the public defender office responsible for providing attorney-of-the-day services on the day of the 72-hour hearing as soon as they are available. The public defender office shall be responsible for obtaining said copies.

(f) Continuances of the 72-Hour Hearing. Any person or agency entitled to such notice as set forth above may move for a continuance of the 72-hour hearing if it appears they did not receive timely notice of the hearing. A continuance may be granted by the Court under such conditions as shall ensure the safety and well-being of any child subject to the proceeding. If a child remains in the home of a parent, guardian or legal custodian, the Court may allow the parties to continue the initial shelter care hearing to a new date to be set no later than 14 days from the filing of the petition under such conditions as shall ensure the safety and well-being of any child subject to the proceedings.

(g) Subsequent Shelter Care Hearing for Unavailable Party. Whenever it appears that a parent, guardian, or legal custodian was unable to attend the initial shelter care hearing, such person may request a hearing by written application to the Court showing good cause for their inability to attend the initial hearing. Such subsequent hearing, if granted, shall be conducted within 72 hours of the request (excluding Saturdays, Sundays and holidays).

[Effective January 2, 1994.]

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

(a) Representation by Counsel. Any parent, guardian and/or legal custodian of the child, or child age 12 or older, who appears at the 72-hour hearing may be represented, at this hearing, by Court-appointed counsel regardless of financial status unless the party expressly waives this right or has retained counsel.

(b) Priority of Hearing. Hearings regarding a request for emergency placement will be set in the same manner as, and given the same priority of, a 72-hour hearing.

(c) Content of Hearing. At the 72-hour hearing the Court shall:

(1) Determine whether those persons entitled to notice under RCW 13.34 and these rules have received notice of custody and rights pursuant to RCW 13.34.060 and ensure that all parties are informed of their legal rights.

(2) Receive evidence from the petitioner regarding efforts made to notify the parties to this action and determine whether additional service of process or publication of notice is necessary. Any party to this action who was personally served notice and summons of the fact-finding hearing pursuant to RCW 13.34.070 or who is present at the 72-hour hearing shall be deemed to have received timely and proper notice of the fact-finding hearing.

(3) Determine whether a Guardian ad Litem shall be appointed for the child.

(4) Determine whether an attorney shall be appointed or a referral to the Office of Public Defense for screening be made for any party, including the child, in accordance with the provisions of LJuCR 2.0.

(5) Consider and approve agreements pertaining to custody and services pending the 30-day shelter care hearing. The parties may enter into and submit for Court approval an agreed shelter care order. Any such order, if signed by the parent and their attorney, shall constitute sufficient record that the waiver of the 72-hour hearing is knowing and voluntary if the order contains written notice of the rights of the parties to a court hearing and waiver thereof. Agreed orders which are presented without the signature of an attorney for any party must be approved by the Court with the parties present, at which time the Court will inquire into whether the order has been signed knowingly and voluntarily.

(6) Release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian, unless the Court makes specific findings that the requirements of RCW 13.34.060(8)(a) and (b) have been satisfied. The Court may order return of the child subject to specific conditions and/or provision of services.

(7) Hear such evidence as may be presented by the parties as to the issues set forth in LJuCR 2.4(c)(6) and otherwise as to the need for shelter care, consistent with the requirements of RCW 13.34.060(6). All parties have the right to present evidence in the form of offers of proof, affidavits, statements, testimony, and arguments in the context of the reasonable cause standard.

(8) Enter appropriate findings of fact as to whether the child and all persons with parental or custodial rights have received notice of the hearing and which of the material facts are undisputed. Notice must be given by any party moving to establish dependency at

subsequent shelter care hearings upon a showing of undisputed facts sufficient to establish dependency pursuant to RCW 13.34.030(2)(a), (b), (c), or (d).

(9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and 26.50 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.

(10) Order the necessary placement, conditions of visitation or contact with the child, services and other relief as necessary to protect the child's right to conditions of basic nurture, physical and mental health and safety. Specific conditions may be set by the Court to facilitate a return of the child or increased contact between parent and child, including assessments as provided by RCW 26.44.053. Upon request the Court may provide for an additional protective order regarding confidentiality of the assessment that does not violate the mandatory reporter provisions of RCW 26.44.

(11) Termination of publication (T.O.P.) hearings shall be set by the petitioner and the Clerk of the Court at least 70 days in the future. No T.O.P. hearing shall be set within one week of a fact-finding hearing. It shall be the responsibility of the petitioner to show by the petition or other verified statement or certification that the identity or the whereabouts of a necessary party is unknown or that no other method of service is likely to be successful.

[Adopted effective September 1, 1983. Amended effective January 2, 1994; March 20, 1997; September 1, 2001.]

LJuCR 2.5 PROCEDURE AT SUBSEQUENT SHELTER CARE HEARINGS

(a) Time. The second hearing shall be set within 30 days of the first hearing, unless by the agreement on the record or in writing of all parties or the order of the Court.

(b) Procedure. All parties shall attend the hearing. The Court will review any report submitted by parties or counsel. Such reports shall be submitted to the Court and parties by noon of the day prior to the hearing unless good cause is shown for any delay. Argument shall be limited to whether there has been a change of circumstances since the entry of the initial shelter care order, unless reasonable advance written notice is given to the Court and other parties of new issues or evidence. The party raising new issues or evidence shall give written notice to the Court and other parties not later than noon of the day prior to the hearing or as otherwise permitted by the Court. If facts sufficient to establish dependency are not in dispute, the Court shall enter an order establishing dependency. The Court shall inquire of the parties what the issues are and what their position are on the issues. The Court may order the matter certified to an appropriate alternative dispute resolution resource approved by the Court to be conducted prior to the scheduled pre-trial conference. The Court may direct the amendment and reissuance of the case schedule to accommodate the requirement of an alternative dispute resolution process, if requested by a party. If the alternative dispute resolution process results in a resolution or partial agreement, an order conforming to said resolution/partial agreement shall be presented at the pre-trial conference for Court approval. The pre-trial conference and/or fact-finding date may be continued upon motion with proper notice to parties and counsel of record for good cause. The Court shall enter an order providing the necessary placement and conditions

as provided for in LJuCR 2.4(c)(10) above and set a date within 30 days for submission by the Juvenile Court social worker of an "Affidavit of No Change in Circumstances" and a proposed order continuing shelter care.

(c) Pre-trial Conference. A pre-trial conference shall occur at the date and time set in the case schedule unless modified by Court order in the second shelter care hearing, and shall conform to the requirements of LJuCR 3.7. Pre-trial agreements are to be sought on issues regarding discovery, witnesses, evidentiary and other pre-trial questions. Parties must comply with the requirements of LR 37(e) prior to seeking sanctions for failure to provide discovery or requesting a continuance of the trial date.

(d) Procedure of Additional Shelter Care Hearing. An additional shelter care hearing can be set on the contested-hearing calendar upon the filing of a "Motion and Affidavit of Change of Circumstances" with six court days' notice to all parties. The hearing date shall be obtained from the Clerk of the Court.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997.]

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 INVOKING JURISDICTION OF JUVENILE COURT

Juvenile Court jurisdiction is invoked over dependency proceedings by filing a petition.

[Effective January 2, 1994.]

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) Who May File. Any person may file a petition alleging dependency.

(b) Venue. The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

(c) Location for court proceedings for dependency actions filed in King County; filing of papers and pleadings and designation of case assignment area.

(1) Designation of Case Assignment Area. In order to facilitate the transfer of cases to the Regional Justice facility upon completion of construction, it is required that from and after the first day of October 1996, each case (petition for dependency) filed in the Superior Court shall be accompanied by a designation, in the caption of the petition, of the Case Assignment Area under the standard set forth in Section (4), below.

(2) Where Proceedings Held. Until the Regional Justice facility has commenced operation as a Superior Court, all documents shall be filed and all proceedings of any nature shall be held at the King County Department of Youth Services Center or at the King County Courthouse. Once the Regional Justice facility has commenced operation, all proceedings of any nature shall be conducted in the case assignment area designated on the dependency petition unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County except for the areas included in the Kent Case Assignment Area.

(B) Kent Case Assignment Area. All of the areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98031; 98032; 98038; 98042; 98047; 98048; 98051; 98054; 98055; 98056; 98057; 98058; 98059; 98092; 98146; 98148; 98158; 98166; 98168; 98178; 98188; 98198.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon the filing of the petition alleging dependency. Case Assignment Area designations shall not be changed between the time of filing of a dependency petition and the entry of a disposition order except as necessary to correct a mistaken designation, to prevent undue hardship to a party or by the Court on its own motion as required for the just and efficient administration of justice.

(i) For petitions for dependency the case area designation shall be based on the area where the child primarily resides or where the child is located at the time of filing, subject to review by the Court, except for children known to be protected by the Indian Child Welfare Act. For cases involving children protected by the Indian Child Welfare Act, the case area designation shall be the Seattle Case Assignment Area.

(ii) For cases regarding Children in Need of Services and At Risk Youth, the case area designation shall be based on where the custodial parent resides.

(B) Change of Case Assignment Area Designation. The Court may order that a juvenile's case assignment area designation change upon the establishment of dependency and the entry of a disposition order based on one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation or for such other reason deemed just and proper by the Court or when required for the just and efficient administration of justice. A case should not be transferred solely to accommodate an attorney.

(1) Method. A motion for change of case assignment area designation may be made by any party to the dependency or by the Court on its own motion. Such a motion shall only be made in writing as required by LJuCR 3.9(c)(2) and shall be titled Motion to Change Case Assignment Area and shall specify the factors for change of case assignment area. A proposed Order to Change Case Assignment Area shall be included with the working papers submitted for the Court. If the motion is agreed to by the parties, the motion shall so state and the proposed order shall include the signatures of the parties. The Order to Change Case Assignment Area shall be filed by the prevailing party. All cases shall proceed in the original case assignment area until the order is entered and filed. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(C) Improper Designation/Lack of Designation. The designation of the

improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(D) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Papers Filed. Pleadings and papers for any dependency proceeding in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Working copies of papers for the judge must be delivered to the court facility where the judge is assigned.

(6) Inclusion of Case Assignment Area Code. All pleadings and papers shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or papers that do not contain this case assignment area code.

[Adopted effective January 2, 1994; amended effective October 1, 1996.]

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a) Identification of the Juvenile. The name, age and date of birth, sex and residence of the juvenile so far as known to the petitioner.

(b) Identification of Parent, Guardian, or Legal custodian. The full name, marital status, residence, phone number, and date of birth or age, if available, of the parent, guardian, or legal custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state. The address and phone number may be withheld if there are safety concerns.

(c) Membership in Indian Tribe. If the petitioner knows or has reason to know that the juvenile is or may be a member of an Indian tribe or band or may be eligible for membership in an Indian tribe or band, the petition shall so state and shall state the name of the tribe or band, or if not known, the basis of the child's Indian heritage.

(d) Jurisdictional Statement. A statement of the statutory provisions which give the Court jurisdiction over the proceeding.

(e) Statement of Facts. A statement of the facts which gives the Court jurisdiction over the juvenile and over the subject matter of the proceedings stated in plain language and with reasonable definiteness and particularity.

(f) Request for Inquiry. A request that the Court inquire into the matter and enter an order that the Court shall find to be in the best interests of the juvenile and justice.

(g) Verification. If the petition is prepared by a DSHS Court Services Worker on behalf of the petitioning DSHS social worker, it shall contain a verified statement by the Court Services Worker that the information contained therein was provided by the petitioning social worker and

that the finalized petition accurately reflects said information.

(h) Other. Any other information required by court rule or statute.

[Effective January 2, 1994.]

LJuCR 3.4 NOTICE AND SUMMONS, AND CASE SCHEDULE

(a) Notice and Summons and Case Schedule. At the time of filing the petition, a Notice and Summons and case schedule shall be issued by the Clerk of the Court and served by the petitioner pursuant to RCW 13.34.070. Service by publication shall conform to the requirement of RCW 13.34.080. A 72-hour shelter care hearing date, a pre-trial conference date and a fact finding date shall be obtained at the time of filing and set out in the notice. The notice shall state that a petition begins a process, which if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.

(b) Advice to Be Contained in Notice and Summons.

(1) A notice directed to the juvenile and/or to the juvenile's parent, legal custodian, or guardian shall contain an advisement of rights conforming to requirements of RCW 13.34.060 and RCW 13.34.090 clearly setting forth the right of a party to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a child, parent, guardian, or legal custodian who cannot afford one.

(2) The Notice and Summons shall also advise the parties that attendance at the pre-trial conference is mandatory, unless excused in advance by the Court.

(3) The Notice and Summons shall also advise the parties that failure of a party to appear or otherwise plead or respond to the petition shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.

(c) Scheduling Pre-trial Conference and Fact Finding Hearing. The Court shall schedule a pre-trial conference and a fact finding hearing. The fact-finding hearing shall be set to be held within 75 days of the filing of the petition alleging dependency. The parties may waive their right to a hearing within 75 days and stipulate to continue the hearing to a later time based on exceptional circumstances subject to Court approval.

(d) Indian Children. If the petitioner knows or has reason to know that the child involved is or may be a member of an Indian tribe or band or eligible for membership in an Indian tribe or band, the petitioner shall notify the child's tribe or band of the fact-finding hearing in the manner required by RCW 13.34.070(9) and 25 U. S. C. 1912.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; August 20, 1998.]

LJuCR 3.5 AMENDMENT OF PETITION

A petition may be amended at any time. The Court shall grant a continuance of the fact-finding hearing if necessary to insure a full and fair hearing on any new allegation in an amended petition.

[Effective January 2, 1994.]

LJuCR 3.6 ANSWER TO PETITION

(a) When to File. The parents or other respondents shall file an answer to the petition not later than the date provided in the case schedule. If the petition is amended subsequent to filing, the parents and other respondents shall file an answer to the amended portions of the petition within fourteen (14) days of the amendment or at the date provided in the case schedule, whichever occurs later.

(b) Age of Child Who May Answer. A child aged twelve or older may file an answer to the petition, but shall not be required to do so.

(c) Content of Answer. The answer shall specifically address and admit or deny each allegation in the petition. Denials shall fairly meet the substance of allegations denied. When a parent or other respondent intends in good faith to deny only a part of or to qualify an allegation, he or she shall specify so much of it as is true and material and shall deny only the remainder. If a parent or other respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he or she shall so state and this shall have the same effect as a denial. The answer may be signed by the parent or other respondent, the attorney representing the parent or other respondent, or both. If the answer is signed only by the attorney representing the parent or other respondent, the answer shall include a certification by the attorney that the specific admissions and denials contained in the answer have been discussed with that attorney and approved by the parent or respondent that the attorney represents.

[Effective January 2, 1994; Amended effective March 20, 1997.]

LJuCR 3.7 PRE-TRIAL CONFERENCE AND FACT-FINDING HEARING

(a) Procedure at Pre-trial Conference.

(1) The Court shall hold a pre-trial conference on the date set in the case schedule which shall be at least 6 days prior to the scheduled date of the fact-finding hearing, at the location specified in the case schedule, unless modified by Court order. All parties must be present at the pre-trial conference unless specifically excused by the Court. Failure of a party to appear or to otherwise plead or respond to the petition, shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.

(2) At the pre-trial conference, the Court will inquire into the readiness of the case for trial and compliance with the case schedule. Failure to comply with the case schedule may be the basis for Court ordered sanctions.

(3) For those cases in which a parent or other respondent appears at the pre-trial conference and states their wish to proceed to trial, but has not filed an answer to the petition in a timely fashion pursuant to LJuCR3.6, and if the Court decides to allow the case to proceed to trial, a continuance of the pre-trial conference may be granted at the request of any other party sufficient to allow the other parties at least five days following the filing of the answer, which shall be filed no later than at the time of the pre-trial conference unless otherwise authorized by the Court due to circumstances beyond the control of the attorney for the answering party, to

gather information necessary for completion of the Statement of Evidence based upon the allegations at issue.

(4) For those cases for which an answer has been filed in compliance with LJuCR 3.6, or following a continuance to allow time for preparation of the Statement of Evidence, as provided above, the Court will consider matters of law, may certify the case for an alternative dispute resolution process, and otherwise define the specific procedural course of the fact finding hearing, such as determine the number of witnesses, the length and scope of the fact-finding hearing defined by the allegations actually at issue as determined by the pleadings, stipulations, and other agreement based upon a "Statement of Evidence" prepared prior to the pre-trial conference.

(b) Procedure at Fact-Finding Hearing. The Court shall hold a fact-finding hearing on the petition in accordance with RCW 13.34.110. All fact-finding hearings shall be assigned per the direction of the Court at the pre-trial conference.

(c) Evidence. The Rules of Evidence shall apply to the hearing.

(d) Burden of Proof. In a fact-finding hearing, on petition alleging dependency pursuant to RCW 13.34. 030(2), the facts alleged in the petition must be proven by a preponderance of the evidence, except as to children protected by the Indian Child Welfare Act (ICWA). The Court may enter an appropriate order in chambers based upon the record if all parties have received legal notice and no one contests the petition.

(e) Findings of Fact. In any dependency action in which the Court makes specific findings of physical or sexual abuse or exploitation of a child, the Court shall direct the Clerk to notify the state patrol of the findings pursuant to RCW 43.43.840 and to fingerprint the perpetrator if he/she is a party to the proceeding.

[Amended effective September 1, 1983; January 2, 1994; March 20, 1997; August 20, 1998.]

LJuCR 3.8 DISPOSITION HEARING

(a) Hearing Date. If a juvenile has been found to be dependent, the Court shall hold a disposition hearing. If the disposition hearing does not immediately follow the fact-finding hearing, the date for the disposition hearing shall be obtained from the Presiding Department or from the Court that heard the fact finding and shall be set within 14 days of the fact finding or entry of an agreed order of dependency. Pending disposition, the terms and conditions of any current shelter care order will continue in effect unless otherwise ordered by the Court.

(b) Agency Reports.

(1) The petitioner or supervising agency and Guardian ad Litem shall submit a report regarding a long range plan in accordance with RCW 13.34.120 and .130 clearly stating goals for the next six months. In those disposition hearings set before a particular Judge, copies of all reports shall be provided to the bailiff for that Judge two court days prior to the hearing. Copies shall be served on counsel and parties six court days prior to the disposition hearing. Unless otherwise ordered by the Court, no written response is required. However, if provided, it shall be served two court days prior to the hearing.

(2) No report shall be submitted to the Court prior to the fact- finding hearing, but shall be served on the parties and counsel as required by this section.

(c) Informing Parties of Purpose of Hearing. The Court shall inform the parties of the

legal status of the juvenile as a result of the finding of dependency.

(d) Evidence. The Court shall consider the social study and other appropriate pre-dispositional studies and evaluations in addition to information produced at the fact-finding and disposition hearings. Pursuant to ER 1101, the Rules of Evidence need not apply in disposition hearings.

(e) Agreed Disposition. If the parties agree to a disposition plan and order, the proposed order will be submitted to the Court with all reports. The Court may set the case for a hearing on its own motion with notice to the parties accompanied by a statement of reasons for such setting.

(f) Transferring Legal Custody. A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or legal custodian charged with the juvenile's care. The transfer of legal custody shall give the legal custodian the following rights and duties:

(1) To maintain the physical custody of the juvenile;

(2) To protect, educate and discipline the juvenile;

(3) To provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and

(4) To consent to emergency medical care, surgical care, including anesthetics, administration of medications as prescribed by the child's treating physician, and to sign releases of medical information to appropriate authorities, pursuant to law. Reasonable efforts shall be made by the custodial agency to contact and secure the consent of the child's parents, if they are available, to any emergency medical and surgical care needed by the child. If the parents disagree with the proposed emergency medical or surgical care, either they or the custodial agency may set an emergency hearing with notice to all parties.

The Court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.

(g) Transfer to New Agency. In the event of transfer of legal custody to an agency other than the original agency, the newly appointed custodian shall have the same rights and duties as outlined in (f) above, unless modified by the Court.

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994.]

LJuCR 3.9 REVIEW OF DEPENDENCY ORDER

(a) Dependency Review Hearings. The status of all dependent children must be reviewed by the Court at least every six months from the beginning date of placement episode or the date dependency is established, whichever is first. "Current placement episode" means the period of time that begins with the most recent date the child was removed from the home of the parents, guardians or legal custodian for purposes of placement in out-of-home care and continues until the child returns home or an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. Removal of the child from the home by means of a written voluntary consent to place agreement or an alternative residential placement proceeding initiates a "placement episode." Non-contested dependency review hearings will be per the procedure set out in LJuCR 3.9(b), contested review hearings will be per the motion

procedure set out in LJuCR 3.9(c), and permanency planning hearings will be per the procedure set out in LJuCR 3.9(d).

(b) Non-Contested Calendar. There shall be a non-contested calendar for all matters in which an adversarial proceeding or a verbatim record of proceedings is not required.

(1) Matters Heard.

(A) The following matters shall be set on the non-contested calendar:

(i) All dependency review hearings unless contested.

(ii) Motions to dismiss dependency at any stage of the proceeding unless contested.

(iii) Shelter care hearings with affidavits of no change.

(B) Agreed orders of dependency, dependency disposition, guardianship, termination of parental rights by relinquishment, continuance and such other agreed orders as may be arrived at by the necessary parties may be submitted to the non-contested calendar unless the case has been retained by a particular Judge. Parties may also submit agreed orders to the Presiding Department on the scheduled fact-finding date in those cases set there for trial assignment.

(2) Scheduling a Review Hearing. A matter is set on the non-contested calendar as part of an order entered at a previous hearing or review, by a party obtaining an open date from the Non-Contested Calendar Court Specialist and providing notice to all other parties, or by the Court scheduling the review hearing on its own motion and order.

(3) Review Intervals. All cases in which dependency has been established shall be scheduled for a non-contested review hearing at not more than five months from the previous hearing or review, except that the first dependency review hearing in a case shall be set to take place within five months of the start of the "placement episode." This will provide for a review hearing within six months of all matters, including those transferred to the contested calendar.

(4) Filing Dependency Review Reports for Non-Contested Calendar. A written review report and a proposed dependency review order shall be prepared by the supervising agency. They shall be provided to all parties, such as the parents, attorneys, GAL, child and the Court, not less than 14 days prior to the scheduled review hearing and shall be held by the Non-Contested Calendar Court Specialist until noon of the day before the scheduled hearing for review and signature by the parties. When the agency report and proposed order have been provided in a timely manner, and no contested dependency review motion has been filed by any party up to three days prior to the scheduled review date, the agency report and proposed order, and any additional submissions by any party, shall be submitted to the Court for determination. Cases in which the agency report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new review hearing date on the non-contested calendar. Proposed judicial additions to the order will be circulated to the necessary parties. If agreed upon, they will be added to the order and initialed by the parties. If not agreed upon the matter will be set on the contested calendar for a contested motion hearing. Orders that are agreed upon, or not contested, shall be entered upon judicial approval.

(5) Transfer to the Contested Motion Calendar by a Party.

(A) Any party disputing all or part of the proposed plan for the ensuing review interval may transfer the matter to the contested motion calendar as per the procedures set forth in LJuCR 3.9(c) below.

(B) The contested dependency review motion shall be filed not later than three days prior to the scheduled non-contested hearing date or the Court may consider and enter the proposed non-contested order as per subsection 4 above.

(C) The Non-Contested Calendar Court Specialist will transfer the agency report and proposed order to the Court for consideration prior to the contested motion.

(D) If the contested motion is set for a date that is more that six months from the date of placement or the entry of a previous full dependency review order as determined by the date of the Judge's signature, an order maintaining the status quo will be prepared by the Non-Contested Calendar Court Specialist for entry pending the contested motion hearing.

(E) The inability of an attorney to contact his or her client will not be deemed a basis to transfer a matter to the contested calendar. If desired, counsel may file a written statement as to non-contact as a basis for non agreement, but the matter will be deemed non-contested.

(6) Transfer to Contested Motion Calendar by Court. The Court may transfer any matter to the contested motion calendar on its own motion at any time. This shall be done by an order specifying the reason for the transfer to the contested motion calendar and maintaining the status quo, if necessary. This may occur when:

(A) There is an apparent need for the presence of a party or for additional information as required by the Court;

(B) The Court intends to adopt a plan for the ensuing review interval which varies substantially from that proposed by the supervising agency or parties; or

(C) To review the failure of the supervising agency or other party to submit written reports and/or a proposed order in a timely manner and to consider what, if any, steps should be taken by the Court to ensure future compliance.

(7) Nature of Non-Contested Review Hearing. The non-contested review calendar shall be heard by the Court with such staff as is deemed necessary. A Clerk need not be present, nor will there be a verbatim reporting of the proceeding. The record of the review hearing shall be by notation on the daily calendar of cases and by entry of an order in each matter reviewed on the calendar. Orders shall reflect the names of all parties present and the action ordered by the Court.

(8) Persons Present at Non-Contested Review Hearings. The Court may request that a representative of the supervising agency attend the non-contested hearing, in addition to necessary staff. If pro se parties appear for a non-contested hearing, court personnel or the Non-Contested Calendar Court Specialist shall advise them of the right to an attorney and of the method for setting a contested motion hearing. Parties may waive these rights and agree to the entry of the non-contested order by signing the order.

(9) Continuances. Continuances will be prepared and entered at the request of the parties to the case, subject to Court approval, or by the Non-Contested Calendar Court Specialist when the agency report and proposed order have not been submitted in a timely manner. Continuances for lack of a timely report or proposed order shall so state and shall further specify if there have been previous continuances of the pending hearing for the same reason.

(10) Review by the Court. When the supervising agency's report and proposed order has been submitted to necessary parties in a timely manner and no contested dependency

review motion has been filed three days prior to the scheduled non-contested review hearing, an order will be entered subject to judicial approval reflecting the recommendations of the supervising agency. No order shall be entered prior to 10:30 AM of the day on which the non-contested review hearing is actually set.

(11) Calendar Review. Representatives of the Court and impacted agencies shall meet periodically to review these procedures.

(c) Contested Motions Calendar--Procedure. Contested dependency review motions may be set by a party or by the Court on its own motion. Motion hearings may include full dependency reviews but shall be limited to particular noted issues and will not include 72-hour shelter care, 30-day shelter care, non-contested, or permanency planning hearings.

(1) Scheduling a Contested Hearing.

(A) By a Party. A party may set a contested dependency motion hearing by following the procedure set out for motions in LJuCR 3.9(c)(2). If the contested hearing will include a full dependency review and the date for the hearing is more than six months from the beginning date of the placement episode or the entry of the previous dependency review order or order of dependency (whichever is first), a status quo order will be entered as provided in LJuCR 3.9(b)(5)(B).

Once a contested motion hearing is scheduled, any party to the dependency may raise additional issues or designate it as a full dependency review by filing a motion to expand issues and re-noting the matter for hearing with the Clerk to a date which provides all the parties with at least seven days' notice, and notifying the Juvenile Court Coordinator's Office. The party wishing to expand the issues must consult with the moving party/counsel in order to find a hearing date convenient to their schedules, if reasonably possible.

Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency. However, motions deemed by the Court to have been frivolously designated as an emergency matter may result in sanctions imposed by the Court.

(B) By the Court. When the Court has set a matter on for a full dependency review, the parties will be notified by the Court of the issue(s) to be addressed, in writing at least 14 days prior to the Court-scheduled contested motion hearing, and the parties must respond with written material which support their respective positions on the issue(s) set for hearing by the Court in the same manner as a party responding to a motion as set out in LJuCR 3.9(c)(2).

(C) Court-Approved Date. The Clerk shall administer the scheduling of all contested dependency review motion hearings. All proposed dates for such matters must be approved by the Clerk. The approval will be based on the availability of time to hear the matter on the proposed date, unless ordered by the Court as an overset.

(2) Motions Format and Procedures.

(A) Motions to Be in Writing. Motions must be in writing dated and signed by the attorney or party.

(B) Motions Papers and Notes--Time and Place for Filing and Scheduling.

(i) Any party desiring to bring a motion for a contested hearing shall file with the Clerk and serve upon all parties at least 14 days before the date fixed for such

hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. The note must contain the title of the Court; the Clerk's number and a title of the cause; the designation "Juvenile Dependency Motions"; the date and time when the same shall be heard; the words "Note For Motion Calendar"; the names, addresses and telephone numbers of attorneys for all parties; the nature of the motion; and by whom made. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

(ii) Copies of the note and motion together with all supporting documents including affidavits shall be served on the Juvenile Court Coordinator's Office at the time the moving party notes the hearing.

(iii) Responsive documents and briefs shall be filed with the Clerk and copies served on all parties and the Court Coordinator's Office no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second court day prior to the hearing. All responsive documents shall have the hearing date noted on the upper right hand corner.

(3) Motion--Contents of. A motion for a contested hearing must conform to the following format:

(A) Relief Requested. The specific relief the Court is requested to grant.

(B) Statement of Facts. A succinct statement of the facts contended to be material.

(C) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(D) Evidence Relied Upon. The evidence on which the motion or reply is based must be attached to the motion or reply papers and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted.

(E) Authority. Any legal authority relied upon must be cited. Copies of out-of-state or federal cases shall be attached, and the portions relied upon marked for ease of referral.

(F) Proposed Order. A copy of a proposed form of an order, which the Court may adopt, modify, or reject consistent with the decision of the Court shall be served with the motion and shall be included with the working papers provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working papers for the Court, but brought to the hearing by the moving party.

(4) Striking Hearing or Changing Hearing Date. A contested dependency motion hearing may be stricken, or the hearing date changed, in the following manner:

(A) Striking Hearing. A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.9(c)(1)(A). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice

shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on the Court Coordinator for distribution to the Judge or Court Commissioner scheduled to hear the matter.

(B) Changing Hearing Date. The hearing date on a contested dependency motion may be changed once by agreement of all parties. A new date must be obtained from the Clerk's Office. A Note for Calendar reflecting the new date should be filed with the Clerk at the time that the hearing is changed and should reflect that the original hearing date is stricken.

(C) Hearings Where There is a Motion to Expand Issues. Where another party has filed a motion to expand issues under LJuCR 3.9(c)(1)(A), the hearing may not be stricken unless the party who has filed the motion to expand issues agrees. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.9(c)(4)(B), supra.

(5) Time of Hearing. The hearing of the motion will commence at 8:30 AM or such other time as designated by the Court.

(A) Unopposed Matters. The Court will, on request, enter the order moved for if no one appears in opposition within 30 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if no one appears in opposition within 30 minutes after the time set for hearing unless the Court deems it inappropriate.

(B) Hearing Order. Motions will be heard in the order designated by the Court. Upon stipulation of all parties and in the absence of a request for argument, a motion may be presented upon the written motion and supporting documents without oral argument.

(C) Time for Argument. No more than five minutes per party (including the Guardian ad Litem), or less as directed by the Judge hearing the matter, will be allowed for argument unless specially authorized by the Court upon prior application to the Judge who will be hearing the matter.

(D) Motion for Oral Testimony. A party seeking authority to present oral testimony must file a motion requesting oral testimony together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues, at the time the motion or response of that party is being filed. Working papers of these materials must also be submitted to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument.

The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned Judge's decision will be communicated by writing or by telephone. If granted such a motion may require the setting of a special hearing time as determined by the assigned Judge.

(E) Imposition of Sanctions or Terms. The Court may impose sanctions or terms for any frivolous motion or in granting a continuance of any matter. Nonappearance on a confirmed motion by the confirming party may result in the imposition of sanctions or terms by

the Court on counsel or on one or more of the parties as appropriate.

(6) Emergency Hearings. Any party or their attorney may set a contested hearing based upon their certification that an emergency exists. In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJuCR 2.3. The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.

(7) Reconsideration: Presentation of Orders.

(A) Filing. Motions for reconsideration and all pleadings and documents in support thereof must be filed and served on opposing parties and delivered to the hearing Judge within ten days of the Court's oral decision. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore.

(B) Response. The opposing party has ten days after receipt of the motion and supporting materials to file documents in opposition. A copy of said pleading and documents must be served on the moving party and delivered to the hearing Judge within ten days after receipt of the motion for reconsideration.

(C) Proposed Order. Each of the parties must include in the materials submitted to the hearing Judge a proposed order sustaining his/her side of the argument. Should any party desire a copy of the order signed and filed by the Judge, a pre-addressed, stamped envelope shall accompany the proposed order.

(D) Oral Argument. Oral arguments will be scheduled only if the hearing Judge requests the same.

(d) Permanency Planning Review Hearing. The Court shall hold permanency planning review hearings for every child in out-of-home care pursuant to RCW 13.34.130. The first permanency planning review hearing shall be held as specified in RCW 13.34.145 and there shall be a subsequent permanency planning review hearing every 12 months thereafter until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first. The agency supervising the placement of the child shall submit a permanency plan for care of the child to the parties and the Court. Any such plan submitted shall not affect efforts to provide services for the reunification of the family pending approval or implementation of the permanency planning goal unless the Court specifically orders otherwise. All permanency planning review hearings shall be held in court unless all parties to the dependency, including the child, agree in writing to the entry of a permanency planning order.

(1) Scheduling. Cases shall be set for an in-court review hearing on the permanency planning review calendar as follows:

(A) The agency supervising the placement of the child shall set the case for hearing at the time of the entry of the previous non-contested dependency review order, order of dependency or dependency disposition order when the ensuing review date will fall within the time periods set forth above. All permanency planning review hearings will be set at least 30 days before the expiration of the time period to allow time for continuances or contested motions as necessary.

(B) Any party, including the supervising agency, may move to set a case for a permanency planning review hearing to ensure that such a review is held within the time periods specified in RCW 13.34.145. A party may move to set a case for permanency planning review hearing at other times only upon a showing that the circumstances of the case warrant

such review. The matter shall be set on the permanency planning review calendar by the moving party obtaining an open date from the DSHS Court Liaison Unit or private agency coordinator and providing all other parties with at least 14 days' notice of the hearing.

(C) The Court on its own motion and order may set a case for permanency planning review hearing at any time during the dependency. The parties to the dependency shall be provided with at least 14 days' notice of the hearing.

(2) Reports.

(A) In all cases set for a permanency planning review hearing by the agency supervising the placement of the child, the agency will submit a report setting forth permanency planning issues and recommendations, and a proposed permanency planning review order, to all parties to the dependency including the child at least 14 days prior to the hearing. The report of the supervising agency shall identify a primary permanency planning goal and may also identify alternative goals. Responsive reports of parties not in agreement must be provided to the supervising agency and other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be served not later than noon of the second court day prior to the hearing.

(B) In cases set for a permanency planning review hearing by a party other than the supervising agency, the moving party shall submit a report and proposed order to all parties as set forth above. The supervising agency shall submit a report and proposed order, if different from that of the moving party, at least seven days prior to the hearing.

(C) In cases set for a permanency planning review hearing by the Court on its own motion and order, the basis for the hearing shall be set forth in or as an attachment to the order. The supervising agency shall, and other parties not in agreement must, submit a report and proposed order at least seven days prior to the hearing.

(D) Reports and proposed orders shall be submitted to and held by the DSHS Court Liaison Unit or private agency coordinator for review and signature by the parties prior to the hearing. All reports, proposed orders and legal files shall be provided to the Court by the DSHS Court Liaison Unit or private agency coordinator by noon of the second court day prior to the hearing, after which the reports, proposed orders and files will not be available to the parties until the hearing.

(3) Hearings.

(A) All permanency planning review hearings shall be in-court hearings to be set on a regular calendar and with such procedures as shall be established by the Court. At the hearing, the Court will review the reports and proposed orders and determine if the permanency plan of care for the child proposed by the supervising agency or moving party is appropriate and to clarify such issues as may be raised by the parties to the hearing. The Court shall (1) approve and order the implementation of the supervising agency's primary or alternative permanency plan of care for return of the child to the home of the child's parent, guardian or legal custodian; adoption; guardianship; or long term relative or foster care with a written agreement, (2) modify the supervising agency's permanency plan of care or approve a different permanency plan of care and order its implementation, or (3) order the filing of a guardianship petition, if a proposed guardian for the child is available, or a termination petition. ER 1101(c)(3) applies to these hearings.

(B) The Court shall (1) order the child returned home only if the Court

finds that a reason for removal as set forth in RCW 13.34.130 no longer exists, or (2) order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan adopted by the Court. Nothing in this rule may be construed to limit the ability of the supervising agency to file a petition for termination of parental rights or a dependency guardianship petition at any time following the establishment of dependency.

(4) Continuances. A permanency planning review hearing may be continued one time for failure of the supervising agency to submit a report or proposed order in a timely manner, by agreement of the parties, or to allow a party to raise a contested issue, providing that the hearing may not be continued past the date at which a permanency plan for the child must be entered. If a hearing is continued past the date at which a permanency plan for the child must be entered for any reason, the Court may enter an order maintaining the status quo pending the hearing.

(5) Contested Issues. Any party wishing to contest a permanency plan of care for a dependent child that is proposed prior to the permanency planning review hearing by the supervising agency, moving party or the Court shall designate the matter as a contested motion as per the procedures and motion format of LJuCR 3.9(c) above. The matter shall remain on the permanency planning calendar but in all other aspects shall be treated as a contested motion hearing. Failure by a party to properly utilize the procedures and motion format set forth in LJuCR 3.9(c) above shall prevent that party from being heard on the contested issue. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or parties, the Court may consider the contested issue or continue the hearing.

(6) Agreed Orders. If all parties to a dependency, including the child, approve the proposed permanency planning review order in writing individually or through counsel, an in-court hearing shall not be required. An agreed order requires that a Guardian ad Litem and/or attorney for the child must sign for a child under 12 years of age. If any party to the dependency, including a party who is unrepresented, does not sign the proposed order, the in-court hearing must be held. However, if one parent was defaulted in the underlying dependency and the whereabouts and/or identity of that parent continue to be unknown to the supervising agency, an order may still be entered without a hearing if agreed to by all other parties. If a party signs a proposed order prior to a hearing and does not attend the hearing, and the Court determines that a permanency plan other than that proposed should be implemented, the party will be notified of the change and provided an opportunity to set a contested motion or otherwise respond to the change.

(e) Retention of Jurisdiction. A Judge hearing a dependency proceeding may elect to retain jurisdiction of the matter for future dependency hearings on the motion of a party or the Court's own motion. All orders entered in the proceeding shall specify that jurisdiction has been retained until such time as it is released by the Court. All time periods set forth in these rules and the applicable statutes shall be complied with by the parties and Court. All procedures for hearings and motions shall be substantially complied with by the parties and Court, except that hearings and motions shall be set with the retaining Judge's bailiff instead of the Court Clerk, Court Coordinator's Office or the Court Liaison Unit. In the event an emergency hearing or motion is necessary and the retaining Judge is not available, the moving party shall set the hearing or motion on the appropriate calendar in accordance with these rules.

[Effective January 2, 1994; amended effective July 1, 1994; September 1, 1996.]

LJuCR 3.10 MODIFICATION OF ORDER

Any party may move to change, modify, or set aside an order only upon a showing of a change of circumstances. The motion must be in writing pursuant to LJuCR 3.9(c) above and must clearly state the basis for the motion and the relief requested.

[Amended effective September 1, 1983; January 2, 1994.]

LJuCR 3.11 GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. Any party to a dependency proceeding, including the supervising agency, may file a petition pursuant to RCW 13.34.230 requesting that a dependency guardianship be established for a dependent child for the purpose of assisting the Court in the supervision of the dependency. Notice must be given to the Department of Social and Health Services if the Department is not a party, and the Department may move to intervene in the proceedings.

(b) Scheduling and Notice of Dependency Guardianship Hearings.

(1) Agreed Dependency Guardianships. A hearing on a dependency guardianship petition which is agreed to by all necessary parties may be held with or scheduled as a review hearing pursuant to LJuCR 3.9.

(2) Dependency Guardianships Requiring Trial. All dependency guardianship hearings in which there is substantial disagreement between the parties or where testimony is needed shall be set for a preliminary hearing, pre-trial conference and fact-finding trial. Dependency Guardianships requiring trial shall be governed by the process set forth in Title IV of these rules.

(3) Advice to be contained in the Notice and Summons. The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.060 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one. The Notice and Summons for dependency guardianship shall also advise the parties that failure to appear or otherwise plead or respond to the Petition for Dependency Guardianship shall be the basis for the Court to enter an Order of Default against that party.

(c) Procedure; Evidence; Burden of Proof. The Court shall hold a hearing on the petition in accordance with RCW 13.34.231. The Rules of Evidence shall apply, and the burden of proof shall be by a preponderance of the evidence.

(d) Qualification for Guardian. A dependency guardian must meet the qualification requirements of RCW 13.34.236.

(e) Order of Guardianship. The order establishing the guardianship of a dependent child shall specify the rights and duties of the dependency guardian; the need for continued involvement, if any, of the supervising agency; and the frequency and terms of visitation, if any, between the child and the child's parent(s). The child shall remain dependent and subject to the

continuing jurisdiction of Juvenile Court, but no review hearings shall be required unless clearly provided for in the dependency guardianship order.

(f) Motions to Modify or Terminate a Dependency Guardianship. Any party to the underlying dependency except a parent whose rights have been terminated may move to modify or terminate a dependency guardianship, or substitute or remove a guardian. Unless agreed to by all parties including the dependency guardian and the child's Guardian ad Litem or attorney, if any, the motion shall be set on the Contested Dependency Motions Calendar as per LJuCR 3.9(c) above and all parties including the dependency guardian notified as provided in these rules. The dependency guardianship may be modified or terminated if the Court finds by a preponderance of the evidence that there has been a change in circumstances subsequent to the establishment of the dependency guardianship and that the relief sought is in the best interest of the child. If a dependency guardianship order is terminated, the case shall return to the underlying dependency status and be set for review as required in LJuCR 3.9.

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; August 20, 1998.]

LJuCR 3.12 ADMISSION TO DETENTION--JUVENILES IN CONFLICT

(a) Criteria. A juvenile in conflict with his or her parents shall not be admitted to detention unless the probation officer who is responsible for intake procedure is satisfied either that:

(1) The juvenile has had previous alternative residential placement and has run from that placement, and it is likely the juvenile would run from another alternative residential placement. OR

(2) The juvenile refuses to return home and refuses to be placed in an alternative residential placement.

(b) Additional Criteria. In addition to one of the above (a)(1) or (a)(2) the probation officer must be satisfied that:

(1) The juvenile is exhibiting extremely unsophisticated and self-destructive behavior. OR

(2) The juvenile is emotionally disturbed (suicidal, dangerously angry, depressed). OR

(3) The juvenile has been using drugs, is medically clear of drugs, but still emotionally unstable. AND

(4) That the juvenile's detention for up to 72 hours will serve a defined purpose.

(c) Review. Rule 7.3(c)(2) providing for review of detention shall also apply to detention of juveniles in conflict with parents.

[Amended effective September 1, 1983.]

LJuCR 3.13 JUVENILE AUTHORITY OVER FAMILY LAW MATTERS

(a) Granting of Concurrent Jurisdiction. Upon the agreement of the parties, the

motion of a party, or the Court's own motion, Juvenile Court may grant concurrent jurisdiction with the Family Law Department of King County Superior Court, or the equivalent Family Court in other counties, at any point in a dependency proceeding in which the parents, guardians, or legal custodians of the child or children are presently involved in a RCW Title 26 action or anticipate the filing of such an action if it appears to the Juvenile Court that concurrent jurisdiction would promote a just resolution of common issues between the parties.

(b) Scope of Concurrent Jurisdiction. Any Juvenile Court order granting concurrent jurisdiction shall be cross-filed under the RCW Title 26 action cause number and may, after notice, hearing, and entry of an appropriate protective order in Juvenile Court, authorize access to the Juvenile Court legal file and to any files and records maintained by the petitioning or supervising agency or the Guardian ad Litem of the child or children. A grant of concurrent jurisdiction shall not confer party status in the RCW Title 26 action on the petitioning or supervising agency in the dependency proceeding. The Guardian ad Litem in the dependency proceeding may be appointed as the child's Court Appointed Special Advocate (CASA) or Guardian ad Litem in the RCW Title 26 action.

(c) Authority of Juvenile Court to Hear and Determine Family Law Issues.

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:

(A) As part of a dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child, the parents, guardians, or legal custodians of the child may agree subject to Juvenile Court approval to establish a parenting plan, or modify a previously entered parenting plan in order to resolve issues of residential placement and/or visitation between them. Such agreed parenting plan, or modification thereof, must have the concurrence of the other parties to the dependency including the supervising agency, the Guardian ad Litem of the child, and the child if age 12 or older, and must further be in the best interest of the child.

(B) Following a fact-finding hearing on the dependency petition and a finding by Juvenile Court that a child has been abused or neglected or otherwise subject to such treatment or condition that it is in the best interest of the child, the Juvenile Court may enter a parenting plan, or modify an existing parenting plan, in order to resolve issues of residential placement and/or visitation between the parents, guardians or legal custodians of the child and to implement a permanency plan of care for said child.

(C) In any parenting plan entered or modified in Juvenile Court pursuant to this rule, all issues pertaining to division of marital property shall be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties. Issues of child support should be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties but may be resolved by the Juvenile Court.

(D) Any Juvenile Court order determining RCW Title 26 issues is subject to modification upon the same showing and same standards as a Family Law Court order determining Title 26 issues.

(2) Any order entered in Juvenile Court establishing or modifying a parenting plan shall be filed in the RCW Title 26 action in the Family Law Department of King County

Superior Court or in the appropriate court in other counties by the prevailing party. Once filed in the RCW Title 26 action, any order establishing or modifying a parenting plan shall survive the dismissal of the dependency proceeding. Juvenile Court may retain jurisdiction as long as is necessary to protect the child.

[Effective September 1, 1995.]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1 INVOKING JURISDICTION OF JUVENILE COURT

Juvenile Court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.

[Effective January 2, 1994.]

LJuCR 4.2 PLEADINGS

(a) Petition. A Petition requesting the termination of a parent-child relationship may be filed in Juvenile Court. The petition shall conform to the requirements of LJuCR 3.2 and 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) Amendment of Petition. A termination petition may be amended as provided in LJuCR 3.5.

(c) Answer. A parent shall file an answer to the petition as provided in LJuCR 3.6. A Guardian ad Litem for a child or a child aged twelve or older may file an answer to the petition, but shall not be required to do so. Answers shall be due not later than 75 days after the filing of the petition, or at such other time as may be set by the Court. In no event shall an answer be required less than 20 days after service of the Notice and Summons and Petition.

[Adopted effective January 2, 1994; amended effective August 20, 1998.]

LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

(a) Generally. A notice and summons of the preliminary hearing, pre-trial conference and termination fact-finding trial shall be issued by the Clerk of the Court or petitioner and served by the petitioner along with a copy of the termination petition and order setting case schedule on all parties, including a child who at the time of the scheduled termination fact-finding trial will be age 12 or over, in the manner defined by RCW 13.34.070(7) and (8) or published in the manner defined by RCW 13.34.080. The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.060 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one.

The notice and summons shall also advise the parties that failure to appear or otherwise plead or respond to the Petition for Termination of Parental Rights shall be the basis for the Court to enter an Order of Default against that party.

(b) Notice to Counsel. In all cases where a party is represented by counsel in the underlying dependency action, the petitioner shall also provide counsel with a copy of the petition, notice and summons, and order setting case schedule.

(c) Case Schedule. Upon the filing of a termination petition, the Clerk of the Court will prepare and file an order setting case schedule and provide one copy to the petitioner. The petitioner shall serve a copy of the case schedule on all parties as provided in these rules. The case schedule shall be in a format set by the Court and shall set the termination fact-finding trial approximately 150 days after the filing of the termination petition. The case schedule will also designate the individual department of King County Superior Court to which the termination fact-finding proceeding is assigned for trial and for motions to amend the case schedule.

(d) Preliminary Hearing. The case schedule will set a preliminary hearing on the termination petition approximately 90 days after the filing of the petition. The preliminary hearing shall be set on the juvenile court dependency calendar and the Court shall determine whether any party shall be found in default and an order of termination of the parent-child relationship entered as to that party.

Nothing in this rule shall preclude any party from noting any additional motions pursuant to local or civil rule.

(e) Pre-trial Conference. The Court shall hold a pre-trial conference on the termination petition approximately 120 days after the filing of the petition at a location and time specified in the case schedule, unless modified by Court order. The pre-trial conference shall be set on the juvenile court pre-trial calendar. All parties must be present at the pre-trial conference unless specifically excused by the Court. The pre-trial conference shall be conducted as provided in LJuCR 3.7(a)(2), (3) and (4), provided, however, that any motion to continue the fact-finding trial date may only be heard by the individual department to which the fact-finding is assigned.

(f) Indian Children. If the petitioner knows or has reason to know that the child involved is or may be a member of an Indian Tribe, or that the child may be eligible for membership or enrollment in an Indian Tribe, the petitioner shall notify the tribe in question in the manner required by RCW 13.34.070(9) and 25 U.S.C. 1912.

[Effective January 2, 1994; amended effective July 1, 1994; August 20, 1998.]

LJuCR 4.4 DISCOVERY

(a) Generally. Discovery procedures in cases involving termination of parental rights shall generally be governed by CR 26-37.

(b) Conference of Counsel. The Court shall not entertain any motion or objection with respect to CR 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Telephonic conference is sufficient for purposes of this rule. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a motion or objection in respect to matter covered by such rules is served, willfully refuses or fails to meet and confer, or having met, willfully refuses or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance.

(c) Completion of Discovery. Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed as provided in the case schedule. Discovery requests must be served early enough that responses will be due and depositions will have been completed by the applicable cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to reasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 2, 1994; amended effective August 20, 1998.]

LJuCR 4.5 AMENDMENT OF CASE SCHEDULE

(a) Generally. The Court, either on motion of a party or on its own initiative, may modify any date in the case schedule for good cause, except that the fact-finding trial date may be changed only as provided below. If a case schedule is modified on motion of a party, that party shall prepare and present to the Court for signature an amended case schedule, which the party shall promptly file and serve on all other parties. If a case schedule is amended on the Court's own motion, the Court will prepare and file the amended case schedule and promptly mail it to all parties.

(b) Change of Fact-Finding Date

(1) Limited Adjustment of Fact-Finding Date to Resolve Schedule Conflict. Any party to a termination proceeding may move for an adjustment of the fact-finding trial date to resolve schedule conflicts by making a written motion to the assigned Judge in accordance with LR 7 and shall be decided without oral argument. The motion must be brought within 30 days of the filing of the termination petition, notice and summons and order setting case schedule, but only to a Monday no more than 28 days before or 28 days after the fact-finding trial date listed in the case schedule.

(2) Continuance of Fact-Finding. Any motion to continue the fact-finding trial date made more than 30 days after filing of the termination petition, or to continue the fact-finding more than 28 days after the original fact-finding date, will not be granted unless the motion is supported by a showing of good cause. The motion must be made in writing to the assigned Judge in accordance with LR 7 and shall be decided without oral argument. If a motion to change the trial date is made after the pre-trial conference, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires.

(3) Approval of Party. A motion for continuance made under subsection (2) above will not be considered unless it is signed by both the party making the motion and the party's attorney, if any, or contains an explanation of why it was impracticable for the party to sign the motion and a certification that a copy of the motion has been mailed or otherwise delivered to the party.

(4) Order Striking Fact Finding Date. An Order striking Fact Finding Date shall be filed upon any resolution of the case short of the trial date, with a copy sent to the assigned Judge.

[Adopted effective January 2, 1994; amended effective August 20, 1998.]

LJuCR 6.6 TERMINATION OF DIVERSION AGREEMENT

If an information is filed alleging an offense previously the subject of a diversion agreement, the information shall be accompanied by a motion to terminate the diversion agreement. The respondent shall indicate not later than at the case setting hearing whether or not the motion to terminate the diversion agreement will be contested. If the motion is to be contested, a hearing thereon may be set for the same time as the trial.

[Amended effective September 1, 1983.]

LJuCR 7.3 DETENTION AND RELEASE WITHOUT HEARING

(c) Admission to Detention and Review.

(1) Authority. The screening officer who is responsible for intake procedure shall have the authority to admit any juvenile to detention, subject to RCW 13.40.040.

(2) Review. The admission of a juvenile to detention shall be reviewed by a designated staff person within 24 hours of the admission. The juvenile may be detained thereafter only if that person believes grounds for detention apply as stated herein. Those grounds shall be detailed in a written form by that staff person. That form shall be presented to the Court at 8:30 AM on the next judicial day, for review and action as deemed appropriate.

(3) Grounds for Detention. A juvenile shall not be admitted to or detained at the Youth Service Center unless the conditions specified in RCW 13.40.040 are met.

(4) Judicial Consultation Regarding Admission. When a law enforcement agency requests that a juvenile be held and the screening officer disagrees with that request, the screening officer shall consult with the on-call Judge who shall make the final determination. The screening officer may also consult with the on-call Judge in any case.

(5) Presentation of Order to Release Juvenile in Detention. At a detention review, a Judge may enter an order to authorize a juvenile probation counselor to present an ex parte order to release a juvenile from detention. The signature of the juvenile offender acknowledging any conditions of release must be on the presented order. The signature of defense counsel or the prosecutor is not required unless specifically ordered by the Judge, or if requested by counsel at the initial detention review hearing.

[Former LJuCR 7.4 renumbered and amended effective September 1, 1983; amended effective January 1, 2002.]

LJuCR 7.4 DETENTION HEARING

(e) Bail. If bail is authorized by the Court, it shall be posted with the Clerk or the Department of Youth Services. Prior to release, the juvenile shall be advised of the next hearing date, any other conditions of release, and that failure to appear may result in bail forfeiture and

prosecution for bail jumping.

[Added effective September 1, 1983.]

LJuCR 7.6 ARRAIGNMENT AND PLEA--JUVENILE OFFENSE PROCEEDINGS

(a) Arraignment Calendar.

(1) A case shall be set for the Arraignment Calendar on the court day after it is filed if the juvenile is in detention, and within two weeks of filing in other cases.

(2) Parties shall be present at Court for the arraignment at a time designated in the summons.

(3) An in-court appearance by the juvenile and counsel is required, except as authorized by (4).

(4) A waiver of arraignment signed by the juvenile, or the juvenile's counsel with the juvenile's permission, and the prosecutor may substitute for an in-court arraignment when the juvenile:

(A) is in custody in a state or out of county detention facility; or

(B) is in residential treatment and it is against treatment recommendation to attend court; or

(C) is residing out of state.

(5) The waiver form shall specify either:

(A) That a guilty plea is to be entered and a disposition date is requested; or,

(B) That a not guilty plea is to be entered and the case is to be set for a case setting calendar within one week if detained or two weeks if not detained.

(b) Conference Between Counsel.

(1) There shall be a conference between counsel prior to the case setting calendar to determine whether a tentative plea agreement can be reached.

(2) If a tentative plea agreement is reached, a form shall be filed with the Court stating the agreement and requesting a disposition date, and a disposition date will be set. The form shall be signed by the parties and by counsel.

(3) If no plea agreement can be reached, a form shall be filed with the Court so stating, and a trial date will be set as early as practicable, but in any event in compliance with JuCR 7.8. The form shall be signed by the parties and by counsel.

(c) Case Setting Calendar. The juvenile and counsel shall appear for the case setting calendar unless the form referred to in (b)(2) or (b)(3) has been previously filed. The Court shall set the case for plea and disposition or for trial. Any order setting the case for plea and disposition shall set forth the tentative plea agreement.

(d) Change of Plea.

(1) A change of plea from not guilty to guilty may be entered by placing a case on the calendar not less than three court days before trial.

(2) If such change of plea is noted less than three court days before trial, the plea shall be taken on the trial date. The Court may inquire into the reasons for the change of plea and its timing and may impose terms.

[Amended September 1, 1981; amended effective September 1, 1983; February 24, 2000.]

LJuCR 7.8 TIME FOR ADJUDICATORY HEARING-- JUVENILE OFFENSE PROCEEDINGS

(b) Time Limits. To the extent possible trials shall be set between the 20th and 30th day following date of arraignment or the intake interview if the juvenile is not in detention or on community supervision, and within three weeks of filing of the information if the juvenile is detained or is on community supervision.

[Amended effective September 1, 1983.]

LJuCR 7.11 ADJUDICATORY HEARING--JUVENILE OFFENSE PROCEEDINGS

(b) Evidence. Written reports by the probation officer for disposition purposes shall not be inspected by the Court prior to an admission or adjudication if the facts are to be contested. The probation officer shall not testify at a fact finding hearing as to any facts disclosed or discovered in the course of the social investigation without juvenile's permission.

[Amended effective September 1, 1983.]

LJuCR 7.12 PLEA AND DISPOSITION HEARING

(a) A plea and disposition hearing shall be set not more than three weeks after the date of the case setting hearing if the juvenile is out of custody or two weeks after the case setting hearing if the juvenile is detained.

(b) Probation officers shall provide the prosecutor and defense counsel with a copy of their written disposition recommendation at least two days prior to the disposition hearing.

(c) All written material to be considered by the Court at the disposition hearing shall be submitted to the Court by noon on the next court day prior to the hearing.

[Amended September 1, 1981; amended effective September 1, 1983.]

LJuCR 7.14 MOTIONS--JUVENILE OFFENSE PROCEEDINGS

(a) Generally. All motions, including motions to suppress evidence, motions regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court. Motions shall be served on all parties and filed with the court coordinator, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five days before the adjudicatory hearing. Reply briefs shall be served and filed with the court coordinator not later than noon of the court day before the hearing.

(b) To Dismiss for Delay in Referral of Offense. The Court may dismiss an information if it is established that there has been an unreasonable delay in referral of the offense by the police to the prosecutor and respondent has been prejudiced. For purposes of this rule, a delay of more than two weeks from the date of completion of the police investigation of the offense to the time of receipt of the referral by the prosecutor shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay the Court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered the Court shall consider the following: (1) the length of the delay; (2) the reason for the delay; (3) the impact of the delay on the ability to defend against the charge; and (4) the seriousness of the alleged offense. Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one week before trial. Such motion may be considered by affidavit.

[Amended effective September 1, 1983; September 1, 2001.]

LJuCR 7.15 INFRACTIONS

(a) Scope of Rule. This rule governs the procedure in juvenile court for all cases involving "infractions". Infractions are noncriminal violations of law defined by statute or ordinance.

(b) Notice of Infraction. An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. The notice shall identify the infraction which the respondent is alleged to have committed, the accompanying statutory citation or ordinance number, the date the infraction occurred, and the date of the prehearing conference.

(c) Service of Notice. Upon the prosecuting authority filing the notice of infraction with the court, the clerk of the court shall have the notice served by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

(d) Prehearing Conference. The prehearing conference shall be set no sooner than 14 days and no later than 60 days after the filing of the notice of infraction. At the conference, the juvenile may (1) pay the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the respondent has committed the infraction; (2) explain any mitigating circumstances surrounding the commission of the infraction; or (3) contest the determination that an infraction occurred by requesting a contested hearing;

(e) Mitigation Hearing. If the respondent indicates that there are mitigating circumstances, the court shall hold an informal hearing which shall not be governed by the Rules of Evidence. The court shall determine whether the respondent's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the respondent committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

(f) Contested Hearing. The contested hearing shall be scheduled for not more than 60 days from the date of the prehearing conference. The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the respondent committed the infraction. If the court finds the infraction was committed, it shall enter an appropriate order on its records and it may assess a monetary penalty against the respondent. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year. If the court finds the infraction was not committed, it shall enter an order dismissing the case.

(g) Failure to Appear. If the respondent fails to respond to a notice of infraction or fails to appear for a court hearing, the court shall enter an order finding that the respondent has committed the infraction and shall assess any monetary penalties provided for by law.
[Adopted effective May 1, 2002.]

LJuCR 11.23 RECORD-REVISION OF COURT COMMISSIONER'S RULING

(a) Service and Filing of Motion. A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within twenty-four (24) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and it shall be noted without oral argument.

(b) Providing Copies to the Judge. The party seeking revision must provide the designated dependency Judge for that court assignment area with copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.

(c) Providing Copies to the Coordinator. Copies of the motion, note for motion, and supporting paperwork shall also be provided to the office of the juvenile court coordinator. When a hearing has been tape recorded, the coordinator shall notify the clerk and request a copy of the audio or video tape of the hearing. The copy shall be provided by the clerk to the coordinator within two days of the clerk's receipt of the request and shall be available in the office of the court coordinator for a period of one week following the filing of a motion for revision of a Court Commissioner's ruling. Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case. The taped recording of the hearing and the legal files shall be promptly transmitted by the court coordinator to the designated Judge hearing the motion for revision.

(d) Responsive Papers. Responsive papers must be served, filed, and delivered to the hearing Judge no later than 12:00 noon, seven (7) court days before the motion is to be decided. Any papers in strict reply are due no later than 12:00 noon, two (2) court days before the motion is to be decided.

(e) Oral Argument. Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.

(f) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.

(g) Time of Filing. For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

[Amended effective September 1, 2001]

TITLE XII. TRUANCY PROCEEDINGS

LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Truancy Cases Filed in King County; Filing of Papers and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. In order to facilitate the division of cases between the King County Courthouse and the Regional Justice Center facilities, it is required that from and after the first day of August 1997, each truancy petition filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth in Section (8) below] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (4) below.

(2) Where Proceedings Held. Commencing with the 1997-1998 school year, all proceedings of any nature shall be conducted in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. The school districts in the Seattle Case Assignment area are: Seattle (1); Mercer Island (400);Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

(B) Kent Case Assignment Area. The districts in the Kent Case Assignment area are: Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing of the petition alleging truancy and shall be based on the school district that originates the petition.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings

from one case assignment area to another shall be made in writing as required by LjuCR 3.9(c); shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after filing the petition. All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Papers Filed. Pleadings and papers for any truancy action in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case.

(6) Inclusion of Case Assignment Area Code. All pleadings and papers shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or papers that do not contain this case assignment area code.

(7) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LjuCR 12.1 for the:

_____ Seattle Area, defined as
Seattle (1); Mercer Island (400);Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

_____ Kent Area, defined as
Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

_____ _____
Signature of Petitioner Date

[Adopted effective April 14, 1997; September 1, 1999.]

KING COUNTY LOCAL RULES FOR MANDATORY ARBITRATION
I. SCOPE AND PURPOSE OF RULES

LMAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS

(a) Purpose. The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims subject

to arbitration by state law. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) "Director" Defined. In these rules, "Director" means the Director of Arbitration for the King County Superior Court. The appointment of the Director and other administrative matters are addressed in Local Rule 8.6, Administration.

[Amended effective June 10, 1982.]

LMAR 1.3 RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES-MOTIONS

All motions relating to mandatory arbitration, other than motions for presentation of judgment pursuant to LMAR 6.3 or discovery motions pursuant to LMAR 4.2, shall be brought before the assigned Judge. Cases not assigned shall be brought before the Chief Civil Judge for cases with an SEA designation and before the Chief Judge of the Regional Justice Center for cases with a KNT designation.

[Amended effective September 1, 2003]

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LMAR 2.1 TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. A party believing a case to be suitable for mandatory arbitration pursuant to MAR 1.2 shall promptly file a statement of arbitrability upon a form prescribed by the Court. After the date indicated on the case schedule has passed, a statement of arbitrability may be filed only by leave of the Court upon a showing of good cause.

(b) Response to a Statement of Arbitrability.

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion pursuant to LMAR 1.3.

(c) Filing Amendments. A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

(d) By Stipulation: A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, provided the stipulation is filed before the deadline for filing the statement of arbitrability or, thereafter, by leave of the Court.

[Amended effective September 1, 1981; June 10, 1982; January 1, 1990; September 1, 1992; September 1, 2003.]

LMAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within 14 days after a list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One Party. If only one party responds within 14 days, the Director will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within 14 days, the Director will appoint one of the five proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, at least two additional proposed arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge.

[Amended September 1, 1981.]

III. ARBITRATORS

LMAR 3.1 QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. The oath of office on the form prescribed by the Court must be completed and filed prior to an applicant being placed on the panel.

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the

grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

LMAR 3.2 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

(c) Award attorney's fees as authorized by these rules, by contract or by law.

[Amended effective January 1, 1990; September 1, 1992.]

IV. PROCEDURES AFTER ASSIGNMENT

LMAR 4.2 DISCOVERY

(a) In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) Discovery Pending at the Time Arbitrator is Assigned. Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by MAR 4.2.

[Amended September 1, 1981.]

LMAR 4.4 NOTICE OF SETTLEMENT

(a) Notice of Settlement. After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five court days or before the arbitration hearing, whichever is

sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the Court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

(b) Form of Notice. The notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LMAR 4.4(d), the case may be dismissed on the Clerk's motion pursuant to LMAR 4.4(c).

_____ _____

Date Attorney for Plaintiff

_____

WSBA No.

(c) Dismissal on Clerk's Motion. If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled arbitration hearing date, whichever is earlier, or if a certificate of settlement without dismissal is not filed as provided in section (d) below, the Clerk will mail notice to the attorneys of record that the case will be dismissed by the Court for want of prosecution unless within 14 days after the mailing a party makes a written application to the Court, showing good cause why the case should not be dismissed. If good cause is shown, the case may be reinstated to the original arbitrator for an additional 90 days or for such period of time as the Court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the Clerk shall issue another notice as described above.

(d) Settlement Without Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to postpone dismissal beyond the period set forth in section (c) above, the parties may, within 30 days after filing the Notice of Settlement of All Claims, file a Certificate of Settlement Without Dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rules for Mandatory Arbitration 4.4(a), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody of:_____
at:_____.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of:_____.

Date:_____

III. SIGNATURES

_____	_____
Attorney for Plaintiff/Petitioner	Attorney for Defendant/Respondent
WSBA No._____	WSBA No._____
_____	_____
Attorney for Plaintiff/Petitioner	Attorney for Defendant/Respondent
WSBA No._____	WSBA No._____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled hearing date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties by mail that the case will be dismissed by the Court for want of prosecution, unless within 14 days after the mailing a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993]

V. HEARING

LMAR 5.1 NOTICE OF HEARING-TIME AND PLACE-CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Director.

LMAR 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant.

LMAR 5.3 CONDUCT OF HEARING-WITNESSES-RULES OF EVIDENCE

(a) Oath or Affirmation. The arbitrator shall place a witness under oath or affirmation before the witness presents testimony.

(b) Recording. The hearing may be recorded electronically or otherwise by any party or the arbitrator.

(c) Rules of Evidence, Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed in accordance with Local Rule 1.1 (Application of Rules) to promote justice. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.

(d) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with MAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to

the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies and purposes expressed in Local Rule 1.1 and the interests of justice.

(e) Opposing Party May Subpoena Author or Maker as Witness. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

VI. AWARD

LMAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the Court.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

LMAR 6.2 FILING OF AWARD

(a) Extension of Time. A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 may be presented to the Director, ex parte. The Director may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

(b) Attorneys Fees. Any motion for actual attorney fees, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator, as follows:

(1) Any motion for an award of attorney fees must be submitted to the arbitrator and served on opposing counsel and the arbitration department within seven calendar days of filing of the award. There shall be no extension of this time.

(2) Any response to the motion for fees must be submitted to the arbitrator and served upon opposing counsel within seven calendar days after receipt of the motion.

(3) The arbitrator shall render a decision on the motion, in writing, within 14 days after the motion is made.

(4) The decision shall be filed and served on all parties and the arbitration department.

(5) A decision on attorney fees shall not extend the time for appeal of the original decision.

[Amended effective September 1, 1999]

LMAR 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Ex Parte Department, by any party, on notice in accordance with MAR 6.3.

VII. TRIAL DE NOVO

LMAR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND

(a) Assignment of Trial Date. If there is a request for a trial de novo, the Court will assign an accelerated trial date. A request for trial de novo may include a request for assignment of a particular trial date or dates, provided that the date or dates requested have been agreed upon by all parties and are between 60 and 120 days from the date the request for trial de novo is filed.

(b) Jury Demand. Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(c) Case Schedule. Cases originally governed by a Case Schedule pursuant to LR 4, 4.1, or 4.1A will again become subject to a Case Schedule if a trial de novo is requested. Promptly after the request for trial de novo is filed, the Court will mail to all parties a Notice of Trial Date together with an Amended Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

	Weeks Before Trial
Discovery Cutoff (LR 37(g)):	7
Pretrial Conference (individual calendar option only) (LR 16):	[may be ordered by preassigned Judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LR 16):	3
Deadline for Hearing Dispositive Pretrial Motions (LR 56):	2
Joint Statement of Evidence	

(LR 16): 1
Trial
(LR 40):.....0

(d) Motion to Change Trial Date. No later than 21 days after the date of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

[Amended September 1, 1981; March 21, 1985; amended effective January 1, 1990; September 1, 1992.]

LMAR 7.2 PROCEDURE AT TRIAL

The Clerk shall seal any award if a trial de novo is requested.

LMAR 7.3 COSTS AND ATTORNEY FEES

MAR 7.3 shall apply only to costs and reasonable attorney's fees incurred since the filing of the request for a trial de novo.

VIII. GENERAL PROVISIONS

LMAR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a Judge.

LMAR 8.3 EFFECTIVE DATE

These rules become effective on October 1, 1980. With respect to civil cases pending on that date, if the case has not at that time received a trial date, or if the trial has been set for later than January 1, 1981, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration. If within 14 days no party files a response indicating the case is not subject to arbitration, the case will be transferred to the arbitration calendar. A case set for trial earlier than January 1, 1981, will be transferred to arbitration only on stipulation.

LMAR 8.4 TITLE AND CITATION

These rules are known and cited as the King County Superior Court Mandatory Arbitration

Rules. LMAR is the official abbreviation.

LMAR 8.5 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the Director a request for payment on a form prescribed by the Court. The Director shall determine the amount of compensation to be paid. The decision of the Director will be reviewed by the Presiding Judge at the request of the arbitrator.

LMAR 8.6 ADMINISTRATION

(a) The Presiding Judge shall designate a person to serve as Director of Arbitration. The Director, under the supervision of the Presiding Judge, shall supervise arbitration under these rules, and perform any additional duties which may be delegated by the Presiding Judge.

(b) There shall be an administrative committee composed of three Judges chosen by the Presiding Judge and three members of the Washington State Bar Association, one each chosen by the Seattle-King County Bar Association, the Washington Association of Defense Counsel, and the Washington State Trial Lawyers's Association. The members of the committee shall serve for staggered three-year terms and may be reappointed.

(c) The administrative committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;

(2) Appoint the panel of arbitrators provided in Rule 3.1(a);

(3) Remove a person from a panel of arbitrators;

(4) Establish procedures for selecting an arbitrator not inconsistent with the Mandatory Arbitration Rules or these rules;

(5) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)

KCLRALJ 2.6 CONTENT OF NOTICE OF APPEAL

(h) Failure to Include Information. Failure to properly specify parties, claimed errors or other required information may result in the dismissal of the appeal or the imposition of terms.

[Amended effective September 1, 1987, September 1, 1996.]

TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT

KCLRALJ 3.1 HEARINGS

(a) RALJ Dismissal Calendar. All motions to stay and/or continue RALJ hearings shall be set for the Friday 1:00 PM RALJ Dismissal Calendar via a note for the RALJ Calendar. Such note must be filed and served no later than five court days before the hearing on the motion.

(b) Case Schedule. The clerk shall issue a Case Scheduling Order upon the filing of a notice of appeal.

[Amended effective September 1, 1987; September 1, 1989; September 1, 1993, September 1, 1996.]

KCLRALJ 3.2 CHANGE OF SUPERIOR COURT JUDGE

(e) Affidavit of Prejudice. The judge scheduled to hear the matter shall rule on affidavits of prejudice and order of transfer. CrR 8.9 shall apply.

[Amended effective September 1, 1987; September 1, 2001.]

KCLRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT

Each side shall be allowed ten minutes for oral argument. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

Each of the parties shall deliver a courtesy copy of its brief to the hearing Judge no later than noon of the day before the argument. The date of the argument shall be noted on the brief cover sheet.

[Amended effective September 1, 1987.]

TITLE 9. SUPERIOR COURT DECISION

KCLRALJ 9.1 BASIS OF DECISION ON APPEAL

(f) Form of Decision. Unless the court prepares its own decision, the decision of the Superior Court shall be prepared by the prevailing party, and shall be filed with the clerk's office within 15 days, see CR 54(e) and CR 58(a) and (b).

KCLRALJ 9.2 ENTRY OF DECISION

(c) Court of Limited Jurisdiction. The clerk of the Superior Court shall transmit a copy of the decision of the Superior Court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and copy to each party in the case within 30 days following the filing of the Superior Court decision.

(d) Motion for Reconsideration. All motions for reconsideration must comply with the procedure set forth in LR 7(b)(5).

[Amended effective September 1, 1987; September 1, 2001.]

TITLE 10. VIOLATION OF RULES--SANCTIONS AND DISMISSAL

KCLRALJ 10.1 VIOLATION OF RULES GENERALLY

The Superior Court on its own initiative or Clerk's motion or on motion of a party may order a party or counsel who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms of compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Superior Court may condition a party's right to participate further in the appeal on compliance with the terms of a sanction order, including an order directing payment of an award by a party. If an award is not paid within the time specified by the Superior Court, the Superior Court shall direct the entry of a judgment in accordance with the award.

[Amended effective September 1, 1987.]

KCLRALJ 10.2 DISMISSAL OF APPEAL

(c) Dismissal on Clerk's Motion. The Superior Court will, on motion of the Clerk of the Superior Court, dismiss an appeal of the case when the appellant fails to timely file a brief, with the Transcript by Appellant of the electronic recording of proceeding, or failure of the lower court to file a transcript of record. The Superior Court Clerk shall note the case on the dismissal calendar and mail notices of the dismissal hearing to counsel of record or to a person who is not represented by counsel at the addresses contained in the notice of appeal. A dismissal shall result in a remand of the matter to the originating court for the enforcement of judgment or imposition of sentence.

[Amended effective September 1, 1987; September 1, 1989.]

TITLE 12. SUPERIOR COURT DECISION AND PROCEDURE AFTER DECISION

KCLRALJ 12.1 MANDATE

(a) Mandate Defined. A "mandate" is the written notification by the Clerk of the Superior Court to the court of limited jurisdiction and to the parties of a Superior Court decision terminating review.

(b) When Mandate Issued by Superior Court. The Clerk of the Superior Court issues the mandate for a Superior Court decision terminating review upon written stipulation of the parties that no notice of appeal or notice of discretionary review will be filed. In the absence of that stipulation, the Clerk issues the mandate:

(1) 30 days after the decision is filed, unless notice of appeal or discretionary review to the Court of Appeals or Supreme Court has been earlier filed.

(2) If a notice of appeal or discretionary review has been timely filed and denied by the Court of Appeals or Supreme Court, upon receipt of the denial of the petition for review.

[Amended effective September 1, 1987.]

KING COUNTY LOCAL GUARDIAN AD LITEM RULES

LGALR 1. APPLICABILITY

These rules for guardians ad litem shall be referred to as KCLGALR. These rules apply to guardians ad litem appointed by the court pursuant to Title 11, Title 13 or Title 26 RCW, and to guardians ad litem appointed pursuant to Special Proceeding Rule (SPR) 98.16W, RCW 4.08.050 and RCW 4.08.060.

These rules do not apply to guardians ad litem or Special Representatives appointed pursuant Chapter 11.96A RCW; Court Appointed Special Advocates (CASA) with respect to whom other grievance procedures apply; persons appointed to serve as Custodians for Minors pursuant to Chapter 11.114 RCW, or guardians ad litem to hold funds for incapacitated persons under Title 11 RCW.

Complaints by guardians ad litem or by other persons against guardians ad litem (also referred to as “grievances”) shall be administered by this process.

[Adopted effective September 1, 2003]

LGALR 2. REGISTRIES

The court shall establish rotational registries for the appointment of guardians ad litem to whom this Rule applies. Absent a finding of good cause the court shall appoint from the registry in rotational sequence. The qualifications and processes for application, selection, education, compensation, and retention for guardians ad litem on each of the registries shall be as set forth

in Administrative Procedures adopted by the court. These administrative procedures may be obtained from the King County Superior Court Clerk's website or by contacting the Court's Guardian Ad Litem Registry Manager.

[Adopted effective September 1, 2003]

LGALR 3. DUTIES OF THE GUARDIAN AD LITEM

A guardian ad litem (GAL) shall comply with the court's instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court's instructions unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment.

[Adopted effective September 1, 2003]

LGALR 4. COMPENSATION

Each order appointing a Guardian ad Litem shall specify a limit on the hourly rate and total compensation for the GAL. These amounts may be increased or modified only upon application to the court in advance of the GAL providing further services. All fee requests are subject to review and approval by the court. An application to increase the fee limits shall be presented upon notice to all parties. An order authorizing an increase in the fee limits shall set forth a specific new limit or amount of increase, and shall indicate generally the duties to be provided during such additional time.

[Adopted effective September 1, 2003]

LGALR 5. GRIEVANCES MADE BY OR AGAINST GUARDIANS AD LITEM

(a) Filing a Grievance. A guardian ad litem having a complaint or a person having a grievance against a guardian ad litem shall complete a complaint in a form approved by the court and file it with the Registry Manager.

(1) The Registry Manager shall immediately deliver the complaint to the presiding judge or to such person designated by the presiding judge to resolve such complaints. Such designee shall be a judge of the King County Superior Court.

(2) Upon receipt of the complaint, the Presiding Judge may retain the matter for decision or assign it to a designee for decision.

(b) Procedure for Processing Complaint. The presiding judge or designee will make an initial determination as to whether the complaint has potential merit. If potential merit is found, a response to the complaint will be requested, and the complaining party will be given an opportunity to reply to the response. The Presiding Judge or designee may schedule a hearing, request additional materials, or enter a decision based upon a review of the record alone. The decision of the presiding judge or designee shall be the final resolution of the complaint. If the complaint relates to a pending case the complaint shall be resolved within 25 days of the receipt

of the complaint. If the complaint is made subsequent to the conclusion of a case, the complaint shall be resolved within 60 days of receipt.

(c) Remedies. If the complaint is sustained, in whole or in part, the court may suspend or remove of the guardian ad litem from the Registry; or impose other appropriate sanctions. During the pendency of this process the Guardian ad Litem may continue to receive appointments and shall continue to serve in appointed cases, unless otherwise provided by order of the Presiding Judge or designee.

(d) Fair Treatment of Grievances. All notices, proceedings and other activities taken pursuant to the grievance process shall observe provisions for fair treatment, due process, notice, the right to be heard and the appearance of fairness.

(e) Confidentiality. The complaint, investigation, report and all aspects of the grievance process shall remain confidential until merit is found.

(f) Records of Grievances. The court shall maintain a record of grievances filed and of any sanctions issued pursuant to the court's grievance procedure.

(g) Notice to the Administrative Office of the Courts (AOC). When a Guardian ad Litem is removed from a Registry pursuant to the disposition of a grievance, the Registry Manager shall promptly send notice of the removal to AOC.

[Adopted effective September 1, 2003]

LGALR 6. ACTUAL OR APPARENT CONFLICTS OF INTEREST

(a) Representation of More Than One Person in the Same Proceeding. A Guardian ad Litem may represent the interests of two or more persons in the same family or class when expressly permitted by court order. Such multiple representation may be reviewed by the court upon request of the Guardian ad Litem or any other party who requests a review of the propriety of the multiple representation or further instruction, such as when a conflict, actual or apparent, arises as among those whose best interests are represented by the Guardian ad Litem.

(b) Disclosures in Statement of Qualifications. A Guardian ad litem shall include in the Statement of Qualifications filed pursuant to RCW 11.88.090 a statement as to whether the guardian ad litem currently represents any professional guardians, and if so, the name(s) of such guardian(s).

(c) Multiple Roles in Same Proceeding; Self-Dealing. Absent written order, a Guardian ad Litem shall not solicit or accept employment in any other capacity in the same cause or which pertains to the party on whose behalf the Guardian ad Litem was appointed during or after the Guardian ad Litem's service. Other capacities include, without limitation, attorney for another party, estate planner, guardian, trustee, fiduciary appointee, mediator, arbitrator, adjudicator, or care provider. A GAL may, upon court order, be re-appointed subsequently in the proceeding. With court order, Guardians ad Litem who are attorneys may draft pleadings to initiate related proceedings, in fulfillment of the duties in the proceeding for which they were first appointed.

(d) Recommendations Made in the Self-Interest of the Guardian ad Litem. A Guardian ad Litem shall not recommend the appointment or employment of a person or entity in which the Guardian ad Litem, a member of the Guardian ad Litem's family, or a business

associate of the Guardian ad Litem has any interest. A Guardian ad Litem may recommend a person or entity who is or has been a client of the Guardian ad Litem only upon full written disclosure of the material facts to all parties, interested persons and the court; and provided that such disclosure does not violate any privilege or confidence of the client.

[Adopted effective September 1, 2003]

LGALR 7. EFFECTIVE DATE

This rule shall apply to all appointments or reappointments of guardians ad litem made after the effective date of this rule.

[Adopted effective September 1, 2003]

INDEX

INDEX TO THE LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY

Abbreviations

LR	Local Rules
LCrR	Local Criminal Rules
LJuCR	Local Juvenile Court Rules
LMAR	Local Rules for Mandatory Arbitration
KCLRALJ	Local Rules for Appeal of Decisions of Courts of Limited Jurisdiction
KCLGALR	Local Guardian Ad Litem Rules

WITNESSES

WRITS